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Government Publications

Bill 159 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 159

An Act to provide for Municipal Taxes in Territory without Municipal Organization

The Hon. J. Eakins
Minister of Municipal Affairs

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JUL 7 1988

1st Reading June 16th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to provide for a new property tax for municipal purposes on large industrial developments in the geographic townships of Bomby and Brothers in the Territorial District of Thunder Bay. The townships of Marathon and Manitouwadge would be covered under the Act as well as any other municipality which the Minister may designate.

The criteria used by the Minister to determine whether any additional municipalities should be designated is set out in subsection 2 (1) of the Bill.

Taxes would be calculated as if the affected properties were located within the municipality and based on local property assessments and mill rates. The market value assessment for each property would be divided between the affected municipalities based on the share of employees residing in each municipality for that particular property.

Bill 159 **1988**

An Act to provide for Municipal Taxes in Territory without Municipal Organization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"assessment commissioner" means an assessment commissioner as defined in clause 1 (a) of the *Assessment Act*; R.S.O. 1980, c. 31

"attributable commercial assessment" means the commercial assessment of a designated business that is attributed to a designated municipality as determined under subsection 3 (2);

"commercial assessment" means the total of,

(a) the assessment for land that is used as a basis for computing business assessment, including the assessment for land that is rented and occupied by the Crown in right of Canada or any province or any board, commission, corporation, or other agency thereof, or by any municipal corporation or local board thereof,

(b) the business assessment, and

(c) the assessment for mineral lands,

according to the last returned assessment roll;

"designated business" means a person owning or operating any business mentioned or described in section 7 of the *Assessment Act* that is situated within a municipal taxing area and that the Minister has designated under subsection 2 (1);

"designated municipality" means the townships of Marathon and Manitouwadge in the Territorial District of Thunder Bay and any other municipality which the Minister may designate, to which all or any portion of the commercial assessment of a designated business is attributed;

R.S.O. 1980, c. 31

"land" means land as defined in clause 1 (k) of the *Assessment Act*;

"land of a designated business" means land situated within a municipal taxing area that is owned or occupied by a designated business;

"Minister" means the Minister of Municipal Affairs;

"municipal taxing area" means the geographic townships of Bomby and Brothers in the Territorial District of Thunder Bay;

"municipality" means a city, town, village, township or improvement district;

"work force in a designated municipality" means the persons employed at the works and facilities of a designated business who reside in a designated municipality;

"work force of a designated business" means the persons employed at the works and facilities of a designated business;

"yearly tax equivalent amount", when used in respect of any year in connection with the land vested in or controlled by a designated business, means the product of,

(a) the attributable commercial assessment, and

(b) the commercial rates levied by the designated municipality in that year, in respect of taxes for municipal purposes, upon the commercial assessment in the designated municipality,

divided by 1,000.

Regulations

2.—(1) If the Minister is of the opinion that a municipality has experienced or will experience substantially increased expenditures as a result of a significant number of employees of businesses located in the municipal taxing area residing in that municipality, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations,

(a) declaring an affected municipality as a designated municipality under this Act;

(b) declaring the business or businesses located in a municipal taxing area as a designated business under this Act;

(c) designating the roll number in accordance with the last returned assessment roll pertaining to the land of a designated business;

(d) specifying which designated municipalities are eligible to receive attributable commercial assessment from a designated business;

(e) prescribing the types or classes of employment that shall be included in determining the work force in a designated municipality and the work force of a designated business;

(f) prescribing the manner in which and the date on which the work force in a designated municipality and the work force of a designated business are determined; and

(g) prescribing the date on which the designations in clauses (a), (b), (c) and (d) come into effect or expire.

Retroactive regulation

(2) A regulation made under subsection (1) is, if it so provides, effective with reference to a period before it is filed.

Declaration on request of municipality

(3) The Minister shall not make a declaration under clause (1) (a) unless the council of a municipality has requested by resolution that a declaration be made.

Taxation in respect of land in territory without municipal organization

3.—(1) Where the Minister has made a regulation under subsection 2 (1), the attributable commercial assessment is subject to taxation for municipal purposes by the designated municipality.

Determination of attributable commercial assessment

(2) The Minister shall, in each year and for each designated municipality, determine the attributable commercial assessment from each designated business in accordance with the following formula:

$$\frac{(CA)}{(AFDB)} \times \frac{(WFDM)}{(WFDB)} \times AFDM$$

where,

"CA" means the taxable commercial assessment of a designated business for school board purposes;

"AFDB" means the assessment equalization factor for the designated municipality for the taxable commercial assessment of land similar to or in the same class as land of a designated business in a municipal taxing area expressed as a fraction of 100;

"AFDM" means the assessment equalization factor for the designated municipality for the taxable commercial assessment of land similar to or in the same class as land of a designated business expressed as a fraction of 100;

"WFDB" means the work force of a designated business;

"WFDM" means the work force in a designated municipality.

Determination and notification of attributable commercial assessment

4.—(1) If the Minister has made a regulation under subsection 2 (1), the Minister shall, for each year in which the regulation is in effect,

(a) determine the attributable commercial assessment for each designated municipality with respect to each designated business;

(b) notify the treasurer of each designated municipality of the assessments attributable to that municipality within thirty days of the return of the assessment roll under section 35 of the *Assessment Act*; and

R.S.O. 1980, c. 31

(c) notify each designated business of the attributable commercial assessment pertaining to each designated municipality within thirty days of the return of the assessment roll under section 35 of the *Assessment Act*.

Transition

(2) Despite clauses (1) (b) and (c), within ninety days after the date the regulation made under subsection (1) comes into force, the Minister shall notify the treasurer of each designated municipality and each designated business of the attributable commercial assessment pertaining to that municipality.

Notice to Minister of assessment adjustment

(3) Where an assessment adjustment for a designated business has been made under section 32, 33, 39 or 50 of the

Assessment Act, the assessment commissioner shall immediately notify the Minister in writing. R.S.O. 1980, c. 31

(4) The Minister shall, within ninety days of receipt of the notice referred to in subsection (3), recalculate the attributable commercial assessment for each designated municipality and shall give written notice of the recalculated attributable commercial assessment to the treasurer of each designated municipality and the applicable designated business. Recalculation of attributable commercial assessment

(5) This Act applies with necessary modifications to a recalculated attributable commercial assessment described in subsection (4). Act applies to recalculated attributable assessment

5. Where the treasurer has received notice under section 4, the council of the designated municipality shall by by-law levy on the attributable commercial assessment of that designated business the commercial rates in respect of taxes for municipal purposes levied by that designated municipality in that year upon the commercial assessment in the municipality. Levy in respect of commercial assessment

6.—(1) The land of a designated business shall be assessed against the owner and tenant in accordance with section 16 or 17 of the *Assessment Act* as applicable. Assessment of owner and tenant R.S.O. 1980, c. 31

(2) Where a business assessment has been computed within a municipal taxing area by reference to the assessed value of the land, the person occupying the land in connection with the business shall be assessed the business assessment in accordance with section 7 of the *Assessment Act*. Business assessment

7. The rates to be levied in each year by the designated municipality on the attributable commercial assessment shall be established with necessary modifications in accordance with sections 142, 158, 159, 361 and 364 of the *Municipal Act* and subsection 7 (3) of the *Ontario Unconditional Grants Act*. Establishment of rates to be levied R.S.O. 1980, cc. 302, 359

8.—(1) The yearly tax equivalent amount shall be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the commercial assessment in respect of which they are payable. Sums added to collector's roll

(2) Sections 369 to 371, 373, 374, 376 to 379, 381 to 396, 399, 401, 408 to 410, 412 and 419 of the *Municipal Act* apply with necessary modifications to the collection and recovery of taxes, including the addition of percentage charges and interest for non-payment of taxes and the proceedings that may be taken in default thereof. Collection and recovery of taxes

Reduction or refund of taxes
R.S.O. 1980, c. 302

(3) Sections 495, 496 and 497 of the *Municipal Act* apply to the striking of taxes from the roll and to the cancellation, reduction or refund of taxes and the proceedings that may be undertaken with respect thereto.

Collection of tax arrears
1984, c. 48

(4) Subject to section 9, the *Municipal Tax Sales Act, 1984* applies to the collection of tax arrears in respect of the realty tax portion of the yearly tax equivalent amount and the proceedings that may be undertaken with respect thereto.

Definition
R.S.O. 1980, c. 129

9.—(1) In this section, "designated municipality" includes a district school board established under the *Education Act*.

Powers and duties of designated municipality

(2) Subject to this section, a designated municipality has the powers and duties of a municipality under the *Municipal Tax Sales Act, 1984*, and the treasurer of a designated municipality, or an officer or collector having the powers and duties of a treasurer under the *Education Act*, has the powers and duties of the treasurer of a municipality under the *Municipal Tax Sales Act, 1984*.

Tax arrears certificate

(3) Subject to section 3 of the *Municipal Tax Sales Act, 1984*, any designated municipality may register a tax arrears certificate against the title to the land owned by a designated business with respect to which tax arrears are owing.

Where two or more designated municipalities register tax arrears certificate

(4) Where two or more designated municipalities have registered a tax arrears certificate under subsection (3),

(a) the registration of all tax arrears certificates shall be deemed to have occurred on the date of the earliest registration; and

(b) subject to subsection (5), the designated municipality that first registers a certificate shall exercise the powers and duties of a municipality on behalf of all other designated municipalities that subsequently register a certificate.

Notice

(5) Where the commercial assessment of a designated business is attributed to two or more designated municipalities, a designated municipality that has registered a tax arrears certificate shall send notice under sections 4 and 9 of the *Municipal Tax Sales Act, 1984* to the other designated municipalities.

Distribution of proceeds from cancellation of tax certificates

(6) Where two or more designated municipalities have registered a tax arrears certificate against the same land,

(a) despite subsection 5 (1) of the *Municipal Tax Sales Act, 1984*, the tax arrears certificates may be cancelled if payment is made of the total of all cancellation prices to the designated municipality that first registered a tax arrears certificate; and

(b) the proceeds received under clause (a) shall be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate.

Extension agreement

(7) Despite clause (4) (b), a designated municipality that has registered a tax arrears certificate may not enter into an extension agreement with the owner of the land, except with the consent of all other designated municipalities that have registered a certificate.

Idem

(8) An extension agreement made under subsection (7) shall be deemed to have been made with all such designated municipalities.

Sale of land, minimum tender

1984, c. 48

(9) If the land of a designated business is offered for public sale by a designated municipality under section 9 of the *Municipal Tax Sales Act, 1984* and two or more designated municipalities have registered tax arrears certificates against the same land, the minimum tender amount or minimum bid shall be the sum of the cancellation prices.

Proceeds of sale

(10) Despite section 10 of the *Municipal Tax Sales Act, 1984*, the proceeds of a sale under section 9 of that Act shall,

(a) firstly, be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate;

(b) secondly, be paid to all persons, other than the owner, having an interest in the land according to their priority at law; and

(c) thirdly, be paid to the person who immediately before the registration of the tax deed was the owner of the land.

Designated municipality deemed to be designated business

10. Where,

(a) the commercial assessment of a designated business is attributed to two or more designated municipalities; and

(b) a designated municipality has registered a notice of vesting under subsection 9 (3) of the *Municipal Tax Sales Act, 1984*, 1984, c. 48

that designated municipality shall be deemed to be the designated business for the purposes of this Act and land of a designated business shall be assessed against the owner and tenant in accordance with paragraph 9 of section 3 of the *Assessment Act*. R.S.O. 1980, c. 31

Increase of equalized assessment

11.—(1) The attributable commercial assessment shall be included in determining the discounted equalized assessment or the rateable land of a designated municipality for purposes of apportioning the requisition or levy of any body other than a school board.

Idem

(2) The attributable commercial assessment shall be included in determining the equalized assessment per household of a designated municipality for the purposes of subsection 8 (1) of the *Ontario Unconditional Grants Act*. R.S.O. 1980, c. 359

Yearly tax equivalent amount

12. The yearly tax equivalent amount shall be deemed to be,

(a) a corporation tax, for the purposes of section 15 of the *Corporations Tax Act*; and R.S.O. 1980, c. 97

(b) a proper working expense of a mine, for the purposes of subsection 3 (7) of the *Mining Tax Act*. R.S.O. 1980, c. 269

Regulations respecting assessment equalization factor

13.—(1) For the purposes of subsection 3 (2), the Minister of Revenue shall, by regulation, prescribe the assessment equalization factor for land of a designated business and for similar land in the same class in each designated municipality.

Idem

(2) The assessment equalization factors prescribed under subsection (1) shall be determined in such a manner that the attributable commercial assessment shall be at the same relative level of assessment at market value as that at which similar land in the same class in the designated municipality is assessed.

List of names and addresses of employees to be provided to Minister

14.—(1) A designated business shall, on or before the 31st day of July in each year preceding the year of the levy in which a regulation made under subsection 2 (1) is in force, provide to the Minister a list containing the name of each person employed at the works and facilities of the designated business on the 30th day of June in that year and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Transition

(2) Despite subsection (1), within thirty days after the date the regulation made under subsection 2 (1) comes into force, a designated business shall provide to the Minister a list containing the name of each person employed at the works and facilities of the designated business on the date the regulation came into force and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Failure to file information

(3) If a designated business does not provide to the Minister the information required under subsection (1) or (2) within the time periods set out therein, the Minister shall determine the proportion of the members of the work force of the designated business residing in each designated municipality as of the time periods set out in subsection (1) or (2) and the decision of the Minister is final and not subject to appeal.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Municipal Extra-Territorial Tax Act, 1988*.

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Bill 159 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 159

An Act to provide for Municipal Taxes in Territory without Municipal Organization

The Hon. J. Eakins
Minister of Municipal Affairs

Digitized by the Internet Archive

1st Reading June 16th, 1988
2nd Reading June 27th, 1988
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

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EXPLANATORY NOTE

The purpose of the Bill is to provide for a new property tax for municipal purposes on large industrial developments in the geographic townships of Bomby and Brothers in the Territorial District of Thunder Bay. The townships of Marathon and Manitouwadge would be covered under the Act as well as any other municipality which the Minister may designate.

The criteria used by the Minister to determine whether any additional municipalities should be designated is set out in subsection 2 (1) of the Bill.

Taxes would be calculated as if the affected properties were located within the municipality and based on local property assessments and mill rates. The market value assessment for each property would be divided between the affected municipalities based on the share of employees residing in each municipality for that particular property.

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"commercial assessment" means the total of,

(a) the assessment for land that is used as a basis for computing business assessment, including the assessment for land that is rented and occupied by the Crown in right of Canada or any province or any board, commission, corporation, or other agency thereof, or by any municipal corporation or local board thereof,

(b) the business assessment, and

(c) the assessment for mineral lands,

according to the last returned assessment roll;

"designated business" means a person owning or operating any business mentioned or described in section 7 of the *Assessment Act* that is situated within a municipal taxing area and that the Minister has designated under subsection 2 (1);

"designated municipality" means the townships of Marathon and Manitouwadge in the Territorial District of Thunder Bay and any other municipality which the Minister may designate, to which all or any portion of the commercial assessment of a designated business is attributed;

R.S.O. 1980, c. 31

"land" means land as defined in clause 1 (k) of the *Assessment Act*;

"land of a designated business" means land situated within a municipal taxing area that is owned or occupied by a designated business;

"Minister" means the Minister of Municipal Affairs;

"municipal taxing area" means the geographic townships of Bomby and Brothers in the Territorial District of Thunder Bay;

"municipality" means a city, town, village, township or improvement district;

"work force in a designated municipality" means the persons employed at the works and facilities of a designated business who reside in a designated municipality;

"work force of a designated business" means the persons employed at the works and facilities of a designated business;

"yearly tax equivalent amount", when used in respect of any year in connection with the land vested in or controlled by a designated business, means the product of,

(a) the attributable commercial assessment, and

(b) the commercial rates levied by the designated municipality in that year, in respect of taxes for municipal purposes, upon the commercial assessment in the designated municipality,

divided by 1,000.

Regulations

2.—(1) If the Minister is of the opinion that a municipality has experienced or will experience substantially increased expenditures as a result of a significant number of employees of businesses located in the municipal taxing area residing in that municipality, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations,

(a) declaring an affected municipality as a designated municipality under this Act;

(b) declaring the business or businesses located in a municipal taxing area as a designated business under this Act;

(c) designating the roll number in accordance with the last returned assessment roll pertaining to the land of a designated business;

(d) specifying which designated municipalities are eligible to receive attributable commercial assessment from a designated business;

(e) prescribing the types or classes of employment that shall be included in determining the work force in a designated municipality and the work force of a designated business;

(f) prescribing the manner in which and the date on which the work force in a designated municipality and the work force of a designated business are determined; and

(g) prescribing the date on which the designations in clauses (a), (b), (c) and (d) come into effect or expire.

Retroactive regulation

(2) A regulation made under subsection (1) is, if it so provides, effective with reference to a period before it is filed.

Declaration on request of municipality

(3) The Minister shall not make a declaration under clause (1) (a) unless the council of a municipality has requested by resolution that a declaration be made.

Taxation in respect of land in territory without municipal organization

3.—(1) Where the Minister has made a regulation under subsection 2 (1), the attributable commercial assessment is subject to taxation for municipal purposes by the designated municipality.

Determination of attributable commercial assessment

(2) The Minister shall, in each year and for each designated municipality, determine the attributable commercial assessment from each designated business in accordance with the following formula:

$$\frac{(CA)}{(AFDB)} \times \frac{(WFDM)}{(WFDB)} \times AFDM$$

where,

"CA" means the taxable commercial assessment of a designated business for school board purposes;

"AFDB" means the assessment equalization factor for the taxable commercial assessment of land of a designated business in a municipal taxing area expressed as a fraction of 100;

"AFDM" means the assessment equalization factor for the designated municipality for the taxable commercial assessment of land similar to or in the same class as land of a designated business expressed as a fraction of 100;

"WFDB" means the work force of a designated business;

"WFDM" means the work force in a designated municipality.

Determination and notification of attributable commercial assessment

4.—(1) If the Minister has made a regulation under subsection 2 (1), the Minister shall, for each year in which the regulation is in effect,

(a) determine the attributable commercial assessment for each designated municipality with respect to each designated business;

(b) notify the treasurer of each designated municipality of the assessments attributable to that municipality within thirty days of the return of the assessment roll under section 35 of the *Assessment Act*; and

R.S.O. 1980, c. 31

(c) notify each designated business of the attributable commercial assessment pertaining to each designated municipality within thirty days of the return of the assessment roll under section 35 of the *Assessment Act*.

Transition

(2) Despite clauses (1) (b) and (c), within ninety days after the date the regulation made under subsection (1) comes into force, the Minister shall notify the treasurer of each designated municipality and each designated business of the attributable commercial assessment pertaining to that municipality.

Notice to Minister of assessment adjustment

(3) Where an assessment adjustment for a designated business has been made under section 32, 33, 39 or 50 of the *Assessment Act*, the assessment commissioner shall immediately notify the Minister in writing.

(4) The Minister shall, within ninety days of receipt of the notice referred to in subsection (3), recalculate the attributable commercial assessment for each designated municipality and shall give written notice of the recalculated attributable commercial assessment to the treasurer of each designated municipality and the applicable designated business. Recalculation of attributable commercial assessment

(5) This Act applies with necessary modifications to a recalculated attributable commercial assessment described in subsection (4). Act applies to recalculated attributable assessment

5. Where the treasurer has received notice under section 4, the council of the designated municipality shall by by-law levy on the attributable commercial assessment of that designated business the commercial rates in respect of taxes for municipal purposes levied by that designated municipality in that year upon the commercial assessment in the municipality. Levy in respect of commercial assessment

6.—(1) The land of a designated business shall be assessed against the owner and tenant in accordance with section 16 or 17 of the *Assessment Act* as applicable. Assessment of owner and tenant R.S.O. 1980, c. 31

(2) Where a business assessment has been computed within a municipal taxing area by reference to the assessed value of the land, the person occupying the land in connection with the business shall be assessed the business assessment in accordance with section 7 of the *Assessment Act*. Business assessment

7. The rates to be levied in each year by the designated municipality on the attributable commercial assessment shall be established with necessary modifications in accordance with sections 142, 158, 159, 361 and 364 of the *Municipal Act* and subsection 7 (3) of the *Ontario Unconditional Grants Act*. Establishment of rates to be levied R.S.O. 1980, cc. 302, 359

8.—(1) The yearly tax equivalent amount shall be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the commercial assessment in respect of which they are payable. Sums added to collector's roll

(2) Sections 369 to 371, 373, 374, 376 to 379, 381 to 396, 399, 401, 408 to 410, 412 and 419 of the *Municipal Act* apply with necessary modifications to the collection and recovery of taxes, including the addition of percentage charges and interest for non-payment of taxes and the proceedings that may be taken in default thereof. Collection and recovery of taxes

(3) Sections 495, 496 and 497 of the *Municipal Act* apply to the striking of taxes from the roll and to the cancellation, Reduction or refund of taxes

reduction or refund of taxes and the proceedings that may be undertaken with respect thereto.

Collection of tax arrears 1984, c. 48

(4) Subject to section 9, the *Municipal Tax Sales Act, 1984* applies to the collection of tax arrears in respect of the realty tax portion of the yearly tax equivalent amount and the proceedings that may be undertaken with respect thereto.

Definition R.S.O. 1980, c. 129

9.—(1) In this section, "designated municipality" includes a district school board established under the *Education Act*.

Powers and duties of designated municipality

(2) Subject to this section, a designated municipality has the powers and duties of a municipality under the *Municipal Tax Sales Act, 1984*, and the treasurer of a designated municipality, or an officer or collector having the powers and duties of a treasurer under the *Education Act*, has the powers and duties of the treasurer of a municipality under the *Municipal Tax Sales Act, 1984*.

Tax arrears certificate

(3) Subject to section 3 of the *Municipal Tax Sales Act, 1984*, any designated municipality may register a tax arrears certificate against the title to the land owned by a designated business with respect to which tax arrears are owing.

Where two or more designated municipalities register tax arrears certificate

(4) Where two or more designated municipalities have registered a tax arrears certificate under subsection (3),

(a) the registration of all tax arrears certificates shall be deemed to have occurred on the date of the earliest registration; and

(b) subject to subsection (5), the designated municipality that first registers a certificate shall exercise the powers and duties of a municipality on behalf of all other designated municipalities that subsequently register a certificate.

Notice

(5) Where the commercial assessment of a designated business is attributed to two or more designated municipalities, a designated municipality that has registered a tax arrears certificate shall send notice under sections 4 and 9 of the *Municipal Tax Sales Act, 1984* to the other designated municipalities.

Distribution of proceeds from cancellation of tax certificates

(6) Where two or more designated municipalities have registered a tax arrears certificate against the same land,

(a) despite subsection 5 (1) of the *Municipal Tax Sales Act, 1984*, the tax arrears certificates may be cancelled if payment is made of the total of all cancella-

tion prices to the designated municipality that first registered a tax arrears certificate; and

(b) the proceeds received under clause (a) shall be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate.

Extension agreement

(7) Despite clause (4) (b), a designated municipality that has registered a tax arrears certificate may not enter into an extension agreement with the owner of the land, except with the consent of all other designated municipalities that have registered a certificate.

Idem

(8) An extension agreement made under subsection (7) shall be deemed to have been made with all such designated municipalities.

Sale of land, minimum tender
1984, c. 48

(9) If the land of a designated business is offered for public sale by a designated municipality under section 9 of the *Municipal Tax Sales Act, 1984* and two or more designated municipalities have registered tax arrears certificates against the same land, the minimum tender amount or minimum bid shall be the sum of the cancellation prices.

Proceeds of sale

(10) Despite section 10 of the *Municipal Tax Sales Act, 1984*, the proceeds of a sale under section 9 of that Act shall,

(a) firstly, be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate;

(b) secondly, be paid to all persons, other than the owner, having an interest in the land according to their priority at law; and

(c) thirdly, be paid to the person who immediately before the registration of the tax deed was the owner of the land.

Designated municipality deemed to be designated business

10. Where,

(a) the commercial assessment of a designated business is attributed to two or more designated municipalities; and

(b) a designated municipality has registered a notice of vesting under subsection 9 (3) of the *Municipal Tax Sales Act, 1984*,

that designated municipality shall be deemed to be the designated business for the purposes of this Act and land of a designated business shall be assessed against the owner and tenant in accordance with paragraph 9 of section 3 of the *Assessment Act*.

R.S.O. 1980, c. 31

Increase of equalized assessment

11.—(1) The attributable commercial assessment shall be included in determining the discounted equalized assessment or the rateable land of a designated municipality for purposes of apportioning the requisition or levy of any body other than a school board.

Idem

(2) The attributable commercial assessment shall be included in determining the equalized assessment per household of a designated municipality for the purposes of subsection 8 (1) of the *Ontario Unconditional Grants Act*.

R.S.O. 1980, c. 359

Yearly tax equivalent amount

12. The yearly tax equivalent amount shall be deemed to be,

(a) a corporation tax, for the purposes of section 15 of the *Corporations Tax Act*; and

R.S.O. 1980, c. 97

(b) a proper working expense of a mine, for the purposes of subsection 3 (7) of the *Mining Tax Act*.

R.S.O. 1980, c. 269

Regulations respecting assessment equalization factor

13.—(1) For the purposes of subsection 3 (2), the Minister of Revenue shall, by regulation, prescribe the assessment equalization factor for land of a designated business and for similar land in the same class in each designated municipality.

Idem

(2) The assessment equalization factors prescribed under subsection (1) shall be determined in such a manner that the attributable commercial assessment shall be at the same relative level of assessment at market value as that at which similar land in the same class in the designated municipality is assessed.

List of names and addresses of employees to be provided to Minister

14.—(1) A designated business shall, on or before the 31st day of July in each year preceding the year of the levy in which a regulation made under subsection 2 (1) is in force, provide to the Minister a list containing the name of each person employed at the works and facilities of the designated business on the 30th day of June in that year and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Transition

(2) Despite subsection (1), within thirty days after the date the regulation made under subsection 2 (1) comes into force, a designated business shall provide to the Minister a list con-

taining the name of each person employed at the works and facilities of the designated business on the date the regulation came into force and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Failure to file information

(3) If a designated business does not provide to the Minister the information required under subsection (1) or (2) within the time periods set out therein, the Minister shall determine the proportion of the members of the work force of the designated business residing in each designated municipality as of the time periods set out in subsection (1) or (2) and the decision of the Minister is final and not subject to appeal.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Municipal Extra-Territorial Tax Act, 1988*.

Government
Publications

CA2ON
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-B56

Bill 159

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 159

(Chapter 56
Statutes of Ontario, 1988)



An Act to provide for Municipal Taxes in Territory without Municipal Organization

The Hon. J. Eakins
Minister of Municipal Affairs

1st Reading	June 16th, 1988
2nd Reading	June 27th, 1988
3rd Reading	June 29th, 1988
Royal Assent	June 29th, 1988

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Bill 159 1988

An Act to provide for Municipal Taxes in Territory without Municipal Organization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"assessment commissioner" means an assessment commissioner as defined in clause 1 (a) of the *Assessment Act*; R.S.O. 1980, c. 31

"attributable commercial assessment" means the commercial assessment of a designated business that is attributed to a designated municipality as determined under subsection 3 (2);

"commercial assessment" means the total of,

(a) the assessment for land that is used as a basis for computing business assessment, including the assessment for land that is rented and occupied by the Crown in right of Canada or any province or any board, commission, corporation, or other agency thereof, or by any municipal corporation or local board thereof,

(b) the business assessment, and

(c) the assessment for mineral lands,

according to the last returned assessment roll;

"designated business" means a person owning or operating any business mentioned or described in section 7 of the *Assessment Act* that is situated within a municipal taxing area and that the Minister has designated under subsection 2 (1);

"designated municipality" means the townships of Marathon and Manitouwadge in the Territorial District of Thunder Bay and any other municipality which the Minister may designate, to which all or any portion of the commercial assessment of a designated business is attributed;

R.S.O. 1980, c. 31

"land" means land as defined in clause 1 (k) of the *Assessment Act*;

"land of a designated business" means land situated within a municipal taxing area that is owned or occupied by a designated business;

"Minister" means the Minister of Municipal Affairs;

"municipal taxing area" means the geographic townships of Bomby and Brothers in the Territorial District of Thunder Bay;

"municipality" means a city, town, village, township or improvement district;

"work force in a designated municipality" means the persons employed at the works and facilities of a designated business who reside in a designated municipality;

"work force of a designated business" means the persons employed at the works and facilities of a designated business;

"yearly tax equivalent amount", when used in respect of any year in connection with the land vested in or controlled by a designated business, means the product of,

(a) the attributable commercial assessment, and

(b) the commercial rates levied by the designated municipality in that year, in respect of taxes for municipal purposes, upon the commercial assessment in the designated municipality,

divided by 1,000.

Regulations

2.—(1) If the Minister is of the opinion that a municipality has experienced or will experience substantially increased expenditures as a result of a significant number of employees of businesses located in the municipal taxing area residing in that municipality, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations,

(a) declaring an affected municipality as a designated municipality under this Act;

(b) declaring the business or businesses located in a municipal taxing area as a designated business under this Act;

(c) designating the roll number in accordance with the last returned assessment roll pertaining to the land of a designated business;

(d) specifying which designated municipalities are eligible to receive attributable commercial assessment from a designated business;

(e) prescribing the types or classes of employment that shall be included in determining the work force in a designated municipality and the work force of a designated business;

(f) prescribing the manner in which and the date on which the work force in a designated municipality and the work force of a designated business are determined; and

(g) prescribing the date on which the designations in clauses (a), (b), (c) and (d) come into effect or expire.

Retroactive regulation

(2) A regulation made under subsection (1) is, if it so provides, effective with reference to a period before it is filed.

Declaration on request of municipality

(3) The Minister shall not make a declaration under clause (1) (a) unless the council of a municipality has requested by resolution that a declaration be made.

Taxation in respect of land in territory without municipal organization

3.—(1) Where the Minister has made a regulation under subsection 2 (1), the attributable commercial assessment is subject to taxation for municipal purposes by the designated municipality.

Determination of attributable commercial assessment

(2) The Minister shall, in each year and for each designated municipality, determine the attributable commercial assessment from each designated business in accordance with the following formula:

$$\frac{(CA)}{(AFDB)} \times \frac{(WFDM)}{(WFDB)} \times AFDM$$

where,

"CA" means the taxable commercial assessment of a designated business for school board purposes;

"AFDB" means the assessment equalization factor for the taxable commercial assessment of land of a designated business in a municipal taxing area expressed as a fraction of 100;

"AFDM" means the assessment equalization factor for the designated municipality for the taxable commercial assessment of land similar to or in the same class as land of a designated business expressed as a fraction of 100;

"WFDB" means the work force of a designated business;

"WFDM" means the work force in a designated municipality.

Determination and notification of attributable commercial assessment

4.—(1) If the Minister has made a regulation under subsection 2 (1), the Minister shall, for each year in which the regulation is in effect,

(a) determine the attributable commercial assessment for each designated municipality with respect to each designated business;

(b) notify the treasurer of each designated municipality of the assessments attributable to that municipality within thirty days of the return of the assessment roll under section 35 of the *Assessment Act*; and

R.S.O. 1980, c. 31

(c) notify each designated business of the attributable commercial assessment pertaining to each designated municipality within thirty days of the return of the assessment roll under section 35 of the *Assessment Act*.

Transition

(2) Despite clauses (1) (b) and (c), within ninety days after the date the regulation made under subsection (1) comes into force, the Minister shall notify the treasurer of each designated municipality and each designated business of the attributable commercial assessment pertaining to that municipality.

Notice to Minister of assessment adjustment

(3) Where an assessment adjustment for a designated business has been made under section 32, 33, 39 or 50 of the *Assessment Act*, the assessment commissioner shall immediately notify the Minister in writing.

(4) The Minister shall, within ninety days of receipt of the notice referred to in subsection (3), recalculate the attributable commercial assessment for each designated municipality and shall give written notice of the recalculated attributable commercial assessment to the treasurer of each designated municipality and the applicable designated business. Recalculation of attributable commercial assessment

(5) This Act applies with necessary modifications to a recalculated attributable commercial assessment described in subsection (4). Act applies to recalculated attributable assessment

5. Where the treasurer has received notice under section 4, the council of the designated municipality shall by by-law levy on the attributable commercial assessment of that designated business the commercial rates in respect of taxes for municipal purposes levied by that designated municipality in that year upon the commercial assessment in the municipality. Levy in respect of commercial assessment

6.—(1) The land of a designated business shall be assessed against the owner and tenant in accordance with section 16 or 17 of the *Assessment Act* as applicable. Assessment of owner and tenant R.S.O. 1980, c. 31

(2) Where a business assessment has been computed within a municipal taxing area by reference to the assessed value of the land, the person occupying the land in connection with the business shall be assessed the business assessment in accordance with section 7 of the *Assessment Act*. Business assessment

7. The rates to be levied in each year by the designated municipality on the attributable commercial assessment shall be established with necessary modifications in accordance with sections 142, 158, 159, 361 and 364 of the *Municipal Act* and subsection 7 (3) of the *Ontario Unconditional Grants Act*. Establishment of rates to be levied R.S.O. 1980, cc. 302, 359

8.—(1) The yearly tax equivalent amount shall be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the commercial assessment in respect of which they are payable. Sums added to collector's roll

(2) Sections 369 to 371, 373, 374, 376 to 379, 381 to 396, 399, 401, 408 to 410, 412 and 419 of the *Municipal Act* apply with necessary modifications to the collection and recovery of taxes, including the addition of percentage charges and interest for non-payment of taxes and the proceedings that may be taken in default thereof. Collection and recovery of taxes

(3) Sections 495, 496 and 497 of the *Municipal Act* apply to the striking of taxes from the roll and to the cancellation, Reduction or refund of taxes

reduction or refund of taxes and the proceedings that may be undertaken with respect thereto.

Collection of tax arrears 1984, c. 48

(4) Subject to section 9, the *Municipal Tax Sales Act, 1984* applies to the collection of tax arrears in respect of the realty tax portion of the yearly tax equivalent amount and the proceedings that may be undertaken with respect thereto.

Definition R.S.O. 1980, c. 129

9.—(1) In this section, "designated municipality" includes a district school board established under the *Education Act*.

Powers and duties of designated municipality

(2) Subject to this section, a designated municipality has the powers and duties of a municipality under the *Municipal Tax Sales Act, 1984*, and the treasurer of a designated municipality, or an officer or collector having the powers and duties of a treasurer under the *Education Act*, has the powers and duties of the treasurer of a municipality under the *Municipal Tax Sales Act, 1984*.

Tax arrears certificate

(3) Subject to section 3 of the *Municipal Tax Sales Act, 1984*, any designated municipality may register a tax arrears certificate against the title to the land owned by a designated business with respect to which tax arrears are owing.

Where two or more designated municipalities register tax arrears certificate

(4) Where two or more designated municipalities have registered a tax arrears certificate under subsection (3),

(a) the registration of all tax arrears certificates shall be deemed to have occurred on the date of the earliest registration; and

(b) subject to subsection (5), the designated municipality that first registers a certificate shall exercise the powers and duties of a municipality on behalf of all other designated municipalities that subsequently register a certificate.

Notice

(5) Where the commercial assessment of a designated business is attributed to two or more designated municipalities, a designated municipality that has registered a tax arrears certificate shall send notice under sections 4 and 9 of the *Municipal Tax Sales Act, 1984* to the other designated municipalities.

Distribution of proceeds from cancellation of tax certificates

(6) Where two or more designated municipalities have registered a tax arrears certificate against the same land,

(a) despite subsection 5 (1) of the *Municipal Tax Sales Act, 1984*, the tax arrears certificates may be cancelled if payment is made of the total of all cancella-

tion prices to the designated municipality that first registered a tax arrears certificate; and

(b) the proceeds received under clause (a) shall be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate.

Extension agreement

(7) Despite clause (4) (b), a designated municipality that has registered a tax arrears certificate may not enter into an extension agreement with the owner of the land, except with the consent of all other designated municipalities that have registered a certificate.

Idem

(8) An extension agreement made under subsection (7) shall be deemed to have been made with all such designated municipalities.

Sale of land, minimum tender

1984, c. 48

(9) If the land of a designated business is offered for public sale by a designated municipality under section 9 of the *Municipal Tax Sales Act, 1984* and two or more designated municipalities have registered tax arrears certificates against the same land, the minimum tender amount or minimum bid shall be the sum of the cancellation prices.

Proceeds of sale

(10) Despite section 10 of the *Municipal Tax Sales Act, 1984*, the proceeds of a sale under section 9 of that Act shall,

(a) firstly, be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate;

(b) secondly, be paid to all persons, other than the owner, having an interest in the land according to their priority at law; and

(c) thirdly, be paid to the person who immediately before the registration of the tax deed was the owner of the land.

Designated municipality deemed to be designated business

10. Where,

(a) the commercial assessment of a designated business is attributed to two or more designated municipalities; and

(b) a designated municipality has registered a notice of vesting under subsection 9 (3) of the *Municipal Tax Sales Act, 1984*,

that designated municipality shall be deemed to be the designated business for the purposes of this Act and land of a designated business shall be assessed against the owner and tenant in accordance with paragraph 9 of section 3 of the *Assessment Act*.

R.S.O. 1980, c. 31

Increase of equalized assessment

11.—(1) The attributable commercial assessment shall be included in determining the discounted equalized assessment or the rateable land of a designated municipality for purposes of apportioning the requisition or levy of any body other than a school board.

Idem

(2) The attributable commercial assessment shall be included in determining the equalized assessment per household of a designated municipality for the purposes of subsection 8 (1) of the *Ontario Unconditional Grants Act*.

R.S.O. 1980, c. 359

Yearly tax equivalent amount

12. The yearly tax equivalent amount shall be deemed to be,

(a) a corporation tax, for the purposes of section 15 of the *Corporations Tax Act*; and

R.S.O. 1980, c. 97

(b) a proper working expense of a mine, for the purposes of subsection 3 (7) of the *Mining Tax Act*.

R.S.O. 1980, c. 269

Regulations respecting assessment equalization factor

13.—(1) For the purposes of subsection 3 (2), the Minister of Revenue shall, by regulation, prescribe the assessment equalization factor for land of a designated business and for similar land in the same class in each designated municipality.

Idem

(2) The assessment equalization factors prescribed under subsection (1) shall be determined in such a manner that the attributable commercial assessment shall be at the same relative level of assessment at market value as that at which similar land in the same class in the designated municipality is assessed.

List of names and addresses of employees to be provided to Minister

14.—(1) A designated business shall, on or before the 31st day of July in each year preceding the year of the levy in which a regulation made under subsection 2 (1) is in force, provide to the Minister a list containing the name of each person employed at the works and facilities of the designated business on the 30th day of June in that year and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Transition

(2) Despite subsection (1), within thirty days after the date the regulation made under subsection 2 (1) comes into force, a designated business shall provide to the Minister a list con-

taining the name of each person employed at the works and facilities of the designated business on the date the regulation came into force and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Failure to file information

(3) If a designated business does not provide to the Minister the information required under subsection (1) or (2) within the time periods set out therein, the Minister shall determine the proportion of the members of the work force of the designated business residing in each designated municipality as of the time periods set out in subsection (1) or (2) and the decision of the Minister is final and not subject to appeal.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Municipal Extra-Territorial Tax Act, 1988*.

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Bill 160 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 160

An Act to amend the Municipality of Metropolitan Toronto Act

The Hon. C. Ward
Minister of Education

1st Reading June 20th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The amendment to subsection 120d (5) provides that, during the period commencing January 1, 1989, to August 31, 1990, The Metropolitan Toronto French-Language School Council will operate the French-language schools and classes established under Part XI of the *Education Act* that are at present being operated by the boards of education in the Metropolitan Area and the persons employed in respect of such schools and classes are seconded to the Council.

The legislation provides for those seconded employees who wish to transfer to the Council effective September 1, 1990, to so indicate by the exercise of an option provided to them in January, 1990, by the board of education that employs them. An employee who transfers to the Council retains the seniority rights and contract status that the employee enjoyed with the board of education. An employee who does not wish to transfer to the Council following the period of secondment remains an employee of the area board of education.

The legislation further provides that an employee who transfers to the Council continues to receive the salary and benefits provided under the collective agreement that was previously applicable to the employee, until a new collective agreement is entered into with the Council.

Bill 160 **1988**

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 120d (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 29, section 13, is repealed and the following substituted therefor:

Secondment of employees

(5) Every employee of a board of education who on the 31st day of December, 1988 is employed,

(a) exclusively at or in respect of a school or class operated under Part XI of the *Education Act*; or

R.S.O. 1980, c. 129

(b) by the board of education as an elementary school teacher or secondary school teacher of a class operated under Part XI of the *Education Act* and accepts as part of the employee's teaching schedule an assignment to a class in which English is the language of instruction,

is seconded to the Council by the board of education for the period from and including the 1st day of January, 1989 up to and including the 31st day of August, 1990.

Council to reimburse board

(6) The Council shall reimburse the board of education with respect to each employee of the board of education who is seconded under subsection (5) for the salary and benefits paid or provided by the board of education to the employee during the period of the secondment.

Dispute

(7) Where there is a dispute between an employee of a board of education and the board of education as to whether or not the employee is seconded to the Council under subsection (5), the dispute shall be treated as a grievance and shall

be dealt with under the appropriate collective agreement, employment contract or employment relationship, as the case may be, as if the dispute were specifically grievable under the terms of employment of the employee.

Supervision of employees

(8) The Council may make representations to the board of education that employs an employee who is seconded under subsection (5) in respect of matters that relate to the supervision of the employee.

Assignment of employees

(9) The Council shall assign each person who is seconded under subsection (5) to,

(a) the position held by the person on the last school day in December in the year 1988; or

(b) the position projected to be held by the employee for the remainder of the school year that commenced in the year 1988,

as the case requires.

Adjustment of assignment

(10) Where the Council adjusts the assignment of an employee who is seconded to it in respect of the period that begins on the 1st day of September, 1989 and ends on the 31st day of August, 1990, the Council shall endeavour to place the employee in a position that is substantially similar to that held by the employee immediately prior to the secondment.

Reduction in staff of Council

(11) Where a position cannot be filled because there is a reduction in the number of staff required by the Council, the Council shall give notice that sets out that fact to the School Board and to the board of education from which the employee is seconded and, upon the giving of the notice, the employee ceases to be seconded to the Council.

Notice

(12) The notice referred to in subsection (11) shall be given on or before a date that is determined by the School Board.

Option

(13) On or before the 5th day of December, 1989, each board of education shall give an option in writing to each of its employees who is seconded to the Council under subsection (5) either,

(a) to have the teaching contract, contract of employment or employment relationship, as the case may be, of the employee transferred from the board of education to the Council as employer and continue employment with the Council in the position occupied by the employee on the last school day in

June, 1990 or in a position that is substantially similar thereto upon the terms of employment with the board of education that applied with respect to the employee on the 31st day of August, 1990 or as may become effective between the employee and the Council on the 1st day of September, 1990, as the case requires; or

(b) to return to and resume duties with the board of education effective the 1st day of September, 1990 in a school or a class that is not a school or a class operated under Part XI of the *Education Act*, in a position that is substantially similar to that held by the employee while on secondment to the Council. R.S.O. 1980, c. 129

Idem

(14) The option given by the board of education shall be exercised by the employee by notice in writing to the board of education on or before the 15th day of January, 1990.

Copy of notice

(15) A copy of the notice given to the board of education under subsection (14) shall at the same time be sent by the employee to the Council.

Assignment of contract

(16) A board of education that receives a notice with respect to an option referred to in clause (13) (a) or that has not received a notice in respect of an employee to whom an option was given shall, before the 1st day of September, 1990, assign the teaching contract, employment contract or employment relationship of the employee to the Council by giving notice in writing to the Council and to the employee.

Status of employee

(17) An employee who exercises the option referred to in clause (13) (a) is, effective the 1st day of September, 1990, an employee of the Council.

Notice to Council

R.S.O. 1980, c. 464

(18) Employees referred to in subsections (17) and (21) who are teachers are, for the purposes of this Act, deemed to constitute bargaining units under the *School Boards and Teachers Collective Negotiations Act* having regard to the employment of the employees and each such bargaining unit is deemed to have given notice to the Council of its intention under section 9 of that Act to negotiate with the view to making an agreement.

Exercise of option

(19) An employee who exercises the option referred to in clause (13) (a) or who is deemed to have exercised such an option under subsection (21) and for whom, as of the 1st day of September, 1990, no new terms of employment have been agreed upon with the Council, shall continue to receive the salary and benefits to which the employee was entitled as an

employee of the board of education until such time as new terms and conditions of employment with the Council are agreed upon.

Idem

(20) An employee who exercises the option referred to in clause (13) (b) is, effective the 1st day of September, 1990, no longer seconded to the Council and shall return to and resume duties with the appropriate board of education in a school or class that is not a school or a class operated under Part XI of the *Education Act*, in a position that is substantially similar to that held by the employee while on secondment to the Council.

R.S.O. 1980, c. 129

Idem

(21) An employee who does not exercise the option given by the board of education on or before the 15th day of January, 1990 shall be deemed to have exercised the option referred to in clause (13) (a) and is, effective the 1st day of September, 1990, an employee of the Council.

Continuous service

(22) An assignment of a teaching contract, employment contract or employment relationship does not constitute a break in the continuous service of the employee.

Seniority

(23) An employee whose teaching contract, employment contract or employment relationship is assigned to the Council shall continue employment with the Council with the same seniority and the same status with respect to being a probationary or permanent employee that the employee had with the appropriate board of education.

Retirement gratuity

(24) Where an employee whose teaching contract, employment contract or employment relationship is assigned to the Council retires, the amount of the retirement gratuity paid to the employee shall be shared by the board of education that made the assignment and the Council in the ratio that the number of years of service of the employee with each bears to the total number of years of service of the employee with the board of education and the Council.

Bargaining unit, transitional

(25) Where the Council appoints a person as an elementary school teacher or a secondary school teacher, the teacher so appointed shall be deemed to be a member of the bargaining unit under the appropriate collective agreement referred to in section 130a that relates to the employment of the teacher and, where appropriate having regard to the location where the teacher is employed, the appropriate collective agreement referred to in section 130g, as if the Council were a party to each collective agreement.

(26) Where the Council appoints a person as an employee, other than as a teacher, the person so appointed shall be deemed to be a member of the bargaining unit under the appropriate collective agreement having regard to the employment of the person and the location of the employment, as if the Council were a party to the collective agreement. Idem

(27) In this section, "seniority" means seniority as agreed upon between the board of education that employed the person and the organization that entered into a collective agreement with the board of education in respect of the person or, where there is no collective agreement, in accordance with the policy of the board of education. Definition

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1988*. Short title

CA2ON
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Bill 160

(Chapter 70
Statutes of Ontario, 1988)

An Act to amend the Municipality of Metropolitan Toronto Act

The Hon. C. Ward
Minister of Education

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1st Reading	June 20th, 1988
2nd Reading	November 16th, 1988
3rd Reading	December 7th, 1988
Royal Assent	December 15th, 1988

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Bill 160 1988

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 120d (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 29, section 13, is repealed and the following substituted therefor:

Secondment of employees

(5) Every employee of a board of education who on the 31st day of December, 1988 is employed,

(a) exclusively at or in respect of a school or class operated under Part XI of the *Education Act*; or

R.S.O. 1980, c. 129

(b) by the board of education as an elementary school teacher or secondary school teacher of a class operated under Part XI of the *Education Act* and accepts as part of the employee's teaching schedule an assignment to a class in which English is the language of instruction,

is seconded to the Council by the board of education for the period from and including the 1st day of January, 1989 up to and including the 31st day of August, 1990.

Council to reimburse board

(6) The Council shall reimburse the board of education with respect to each employee of the board of education who is seconded under subsection (5) for the salary and benefits paid or provided by the board of education to the employee during the period of the secondment.

Dispute

(7) Where there is a dispute between an employee of a board of education and the board of education as to whether or not the employee is seconded to the Council under subsection (5), the dispute shall be treated as a grievance and shall

be dealt with under the appropriate collective agreement, employment contract or employment relationship, as the case may be, as if the dispute were specifically grievable under the terms of employment of the employee.

Supervision of employees

(8) The Council may make representations to the board of education that employs an employee who is seconded under subsection (5) in respect of matters that relate to the supervision of the employee.

Assignment of employees

(9) The Council shall assign each person who is seconded under subsection (5) to,

(a) the position held by the person on the last school day in December in the year 1988; or

(b) the position projected to be held by the employee for the remainder of the school year that commenced in the year 1988,

as the case requires.

Adjustment of assignment

(10) Where the Council adjusts the assignment of an employee who is seconded to it in respect of the period that begins on the 1st day of September, 1989 and ends on the 31st day of August, 1990, the Council shall endeavour to place the employee in a position that is substantially similar to that held by the employee immediately prior to the secondment.

Reduction in staff of Council

(11) Where a position cannot be filled because there is a reduction in the number of staff required by the Council, the Council shall give notice that sets out that fact to the School Board and to the board of education from which the employee is seconded and, upon the giving of the notice, the employee ceases to be seconded to the Council.

Notice

(12) The notice referred to in subsection (11) shall be given on or before a date that is determined by the School Board.

Option

(13) On or before the 5th day of December, 1989, each board of education shall give an option in writing to each of its employees who is seconded to the Council under subsection (5) either,

(a) to have the teaching contract, contract of employment or employment relationship, as the case may be, of the employee transferred from the board of education to the Council as employer and continue employment with the Council in the position occupied by the employee on the last school day in

June, 1990 or in a position that is substantially similar thereto upon the terms of employment with the board of education that applied with respect to the employee on the 31st day of August, 1990 or as may become effective between the employee and the Council on the 1st day of September, 1990, as the case requires; or

(b) to return to and resume duties with the board of education effective the 1st day of September, 1990 in a school or a class that is not a school or a class operated under Part XI of the *Education Act*, in a position that is substantially similar to that held by the employee while on secondment to the Council. R.S.O. 1980, c. 129

Idem

(14) The option given by the board of education shall be exercised by the employee by notice in writing to the board of education on or before the 15th day of January, 1990.

Copy of notice

(15) A copy of the notice given to the board of education under subsection (14) shall at the same time be sent by the employee to the Council.

Assignment of contract

(16) A board of education that receives a notice with respect to an option referred to in clause (13) (a) or that has not received a notice in respect of an employee to whom an option was given shall, before the 1st day of September, 1990, assign the teaching contract, employment contract or employment relationship of the employee to the Council by giving notice in writing to the Council and to the employee.

Status of employee

(17) An employee who exercises the option referred to in clause (13) (a) is, effective the 1st day of September, 1990, an employee of the Council.

Notice to Council

(18) Employees referred to in subsections (17) and (21) who are teachers are, for the purposes of this Act, deemed to constitute bargaining units under the *School Boards and Teachers Collective Negotiations Act* having regard to the employment of the employees and each such bargaining unit is deemed to have given notice to the Council of its intention under section 9 of that Act to negotiate with the view to making an agreement. R.S.O. 1980, c. 464

Exercise of option

(19) An employee who exercises the option referred to in clause (13) (a) or who is deemed to have exercised such an option under subsection (21) and for whom, as of the 1st day of September, 1990, no new terms of employment have been agreed upon with the Council, shall continue to receive the salary and benefits to which the employee was entitled as an

employee of the board of education until such time as new terms and conditions of employment with the Council are agreed upon.

Idem

(20) An employee who exercises the option referred to in clause (13) (b) is, effective the 1st day of September, 1990, no longer seconded to the Council and shall return to and resume duties with the appropriate board of education in a school or class that is not a school or a class operated under Part XI of the *Education Act*, in a position that is substantially similar to that held by the employee while on secondment to the Council.

R.S.O. 1980, c. 129

Idem

(21) An employee who does not exercise the option given by the board of education on or before the 15th day of January, 1990 shall be deemed to have exercised the option referred to in clause (13) (a) and is, effective the 1st day of September, 1990, an employee of the Council.

Continuous service

(22) An assignment of a teaching contract, employment contract or employment relationship does not constitute a break in the continuous service of the employee.

Seniority

(23) An employee whose teaching contract, employment contract or employment relationship is assigned to the Council shall continue employment with the Council with the same seniority and the same status with respect to being a probationary or permanent employee that the employee had with the appropriate board of education.

Retirement gratuity

(24) Where an employee whose teaching contract, employment contract or employment relationship is assigned to the Council retires, the amount of the retirement gratuity paid to the employee shall be shared by the board of education that made the assignment and the Council in the ratio that the number of years of service of the employee with each bears to the total number of years of service of the employee with the board of education and the Council.

Bargaining unit, transitional

(25) Where the Council appoints a person as an elementary school teacher or a secondary school teacher, the teacher so appointed shall be deemed to be a member of the bargaining unit under the appropriate collective agreement referred to in section 130a that relates to the employment of the teacher and, where appropriate having regard to the location where the teacher is employed, the appropriate collective agreement referred to in section 130g, as if the Council were a party to each collective agreement.

Idem

(26) Where the Council appoints a person as an employee, other than as a teacher, the person so appointed shall be deemed to be a member of the bargaining unit under the appropriate collective agreement having regard to the employment of the person and the location of the employment, as if the Council were a party to the collective agreement.

Definition

(27) In this section, "seniority" means seniority as agreed upon between the board of education that employed the person and the organization that entered into a collective agreement with the board of education in respect of the person or, where there is no collective agreement, in accordance with the policy of the board of education.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1988*.

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1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 161

An Act to amend the Employment Standards Act

Mr. Wildman

1st Reading June 20th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to make employers responsible for any losses experienced by the employee when the employee is forced by the employer to cancel or change vacation plans after having received permission to take vacation at that time.

Bill 161 1988

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Cancellation or changing of vacation time

30a. If an employee has received permission from the employer to take a vacation during a specific period of time and the employer changes or cancels that vacation time, the employer is responsible for any losses incurred by the employee in respect of travel arrangements made for that period, including accommodation, transportation and incidental expenses.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Employment Standards Amendment Act, 1988*.

Bill 162

An Act to amend the Workers' Compensation Act

The Hon. G. Sorbara
Minister of Labour

1st Reading June 20th, 1988
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly by the
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EXPLANATORY NOTES

The Bill institutes a system of compensation in which workers who are permanently impaired as a result of a work-related injury receive benefits for future loss of earnings, for non-economic loss and for loss of retirement income (sections 15 and 20).

The existing system of two streams of benefits — one for temporarily disabled workers and one for permanently impaired workers — is modified (sections 6, 10 and 11, subsection 13 (2) and sections 15 and 29). The maximum amount of average earnings upon which compensation may be calculated under the Act is increased (section 12). Compensation of a worker for temporary disability ends after one year or when the worker is determined to be permanently impaired. The worker then may begin to receive benefits for future loss of earnings. Details of workers' eligibility for, and the duration of, these benefits are set out (section 15).

The amount of compensation paid to a worker for future loss of earnings is determined by the Board and is reviewed at two years and again at five years from the date of its original determination (section 15).

Workers who receive benefits for future loss of earnings also accumulate an entitlement to receive retirement income. The amount of the retirement income is proportional to the amount of, and the length of time that the worker received, the benefits for future loss of earnings (section 15).

The amount of compensation for non-economic loss payable to a permanently impaired worker is determined by the percentage of permanent impairment of the worker (section 15). The worker may have his or her medical condition reassessed and the compensation adjusted, if the worker experiences a significant deterioration of condition that was not anticipated when the original medical assessment was made (section 15).

New requirements governing vocational rehabilitation for injured workers are set out (section 19).

Workers who co-operate in vocational rehabilitation programs have their benefits under the Act supplemented while they are taking the program. These supplements are extended to workers receiving benefits under the existing Act (section 28). A supplement is also provided in certain circumstances for workers receiving benefits under the existing Act who are unlikely to benefit from vocational rehabilitation (section 28).

Employers are required for a specified period to reinstate or re-employ workers who have been injured following their recovery (section 19 and subsection 22 (4)).

Employers are required to maintain certain employment benefits of injured workers, in specified circumstances, for one year after the injury occurs (section 3).

Criteria for determining the amount of compensation payable to workers who were apprentices, learners or students at the time of an injury are to be set out in the regulations (section 14).

The authority of the Board to divert a worker's compensation under the Act to the worker's spouse or dependants, in accordance with a court order for support or maintenance, is made subject to the certain limits (section 16).

The existing requirement that physicians and others caring for injured workers provide reports to the Board without additional charge is deleted (section 18).

Protection against civil liability is extended to members, officers and employees of the Industrial Disease Standards Panel, to officers and employees of the Office of the Worker Adviser, the Office of the Employer Adviser and of accident prevention associations, and to medical practitioners conducting assessments in specified circumstances (sections 15, 23, 24, 25 and 27).

The terminology in the Act relating to "disability", referring to economic consequences of an injury, and "impairment", relating to physical and psychological consequences of an injury, is clarified (sections 1, 2, 4, 5, 7, 8 and 9, subsection 13 (1), sections 17 and 21, subsections 22 (1), (2) and (3) and sections 26 and 27).

Bill 162 1988

An Act to amend the Workers' Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(ea) "contributions for employment benefits", in relation to a worker, means amounts paid in whole or in part by an employer on behalf of the worker or the worker's spouse or dependants for health care, life insurance and pension benefits;

. . . . .

(g) "disability", in relation to an injured worker, means the loss of earning capacity of the worker that results from an injury.

(2) Clause 1 (1) (i) of the said Act is amended by adding at the end thereof "but does not include contributions for employment benefits".

(3) The said subsection 1 (1) is further amended by adding thereto the following clauses:

(la) "impairment", in relation to an injured worker, means any physical or functional abnormality or loss including disfigurement which results from an injury and any psychological damage arising from the abnormality or loss;

. . . . .

(va) "permanent impairment", in relation to an injured worker, means impairment that continues to exist

after maximum medical rehabilitation of the worker has been achieved;

. . . . .

(xb) "student" means a person who is pursuing formal education as a full-time student and is employed by an employer for the purposes of the employer's industry, although not as a learner or an apprentice.

(4) Subclause 1 (1) (z) (i) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is amended by inserting at the end thereof "or student".

2. Subsection 3 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 3, is amended by striking out "disability" in the last line and inserting in lieu thereof "impairment".

3. The said Act is amended by adding thereto the following section:

Maintenance of employment benefits for injured worker

5a.—(1) If a worker is absent from employment because of an injury and if the employer at the time of the injury made contributions for employment benefits in respect of the worker, the employer shall continue to make such contributions for employment benefits throughout any absence from work by the worker that occurs during the year after the date of the injury, as long as the worker continues to pay the worker's contributions, if any, for the employment benefits.

Offence

(2) Every employer who fails to comply with subsection (1) is guilty of an offence for each pay period during which the failure to comply continues.

4. Section 13 of the said Act is amended by striking out "disability" wherever it occurs and inserting in lieu thereof in each instance "impairment".

5. Section 23 of the said Act is amended by striking out "permanent disability" in the sixth line and inserting in lieu thereof "compensation".

6. Section 24 of the said Act is amended by inserting after "payment" in the first line "under section 40" and by striking out "hereinafter prescribed" in the last line and inserting in lieu thereof "amount payable under that section".

7. Subsection 27 (1) of the said Act is amended by striking out "if the disability is permanent" in the sixth line.

8. Subsection 28 (1) of the said Act is amended by striking out "disability" in the eighth line and inserting in lieu thereof "impairment".

9. Subsection 32 (1) of the said Act is amended by striking out "disability" in the second line and inserting in lieu thereof "impairment".

10.—(1) Clause 36 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 9, is amended by adding at the end thereof "or 54a".

(2) Subsection 36 (13) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 9, is repealed and the following substituted therefor:

Deductions for C.P.P. and Q.P.P. payments

(13) In calculating the compensation payable by way of periodic payments under this section, the Board shall have regard to any payments of survivor benefits for death caused by injury that are received under the Canada Pension Plan or the Quebec Pension Plan.

(3) Subsection 36 (16) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 3, section 1, is amended by striking out "$31,500 per annum" in the last line and inserting in lieu thereof "the maximum amount determined under section 41".

11.—(1) Subsection 40 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is amended by adding at the end thereof "or until the worker begins receiving payments under section 45a".

(2) Subsection 40 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is repealed and the following substituted therefor:

Deductions for C.P.P. and Q.P.P. payments

(3) In determining the amount to be paid under clause (2) (b), the Board shall have regard to any payments the worker receives under the Canada Pension Plan and the Quebec Pension Plan and, where subclause (2) (b) (i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of disability resulting from the injury as determined by the Board.

12. Section 41 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is repealed and the following substituted therefor:

Maximum earnings

41.—(1) For the purposes of this Act, the maximum amount of average earnings upon which the loss of earnings is to be calculated is,

(a) $35,100, effective on the day this section comes into force;

(b) $40,000 per annum, effective on the 1st day of January of the year following the year in which this section comes into force; and

(c) 175 per cent of the average industrial wage for Ontario, determined in accordance with subsection (2), effective one year after the effective date for the amount in clause (b).

Determination of the average industrial wage

(2) For the purposes of clause (1) (c), the average industrial wage for Ontario is an amount applicable from the 1st day of January to the 31st day of December in a year, the calculation of which is based upon the most recent published material that is available on the 1st day of July of the preceding year, and the amount of which is based upon the estimated weekly earnings industrial aggregate for Ontario as published by Statistics Canada.

13.—(1) Subsection 42 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is amended by striking out "impairment of earning capacity" in the last line and inserting in lieu thereof "degree of disability".

(2) Subsection 42 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11 and amended by the Statutes of Ontario, 1985, chapter 3, section 2, is repealed.

14. Subsection 43 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is repealed and the following substituted therefor:

Apprentices, learners and students

(6) Notwithstanding subsection (1), if a worker was an apprentice, learner or student at the time of the accident, the Board shall determine the worker's average earnings using such criteria as may be prescribed by regulation.

15. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11 and amended by the Statutes of Ontario, 1985, chapter 3, section 3, is repealed and the following substituted therefor:

Non-economic loss where permanent impairment

45.—(1) A worker who suffers permanent impairment as a result of an injury is entitled to receive an amount for non-economic loss in addition to any other benefit receivable under this Act.

Amount for non-economic loss

(2) The amount for a worker's non-economic loss from an injury is determined by multiplying,

(a) the percentage of the worker's permanent impairment arising from the injury as determined by the Board; and

(b) $45,000,

(i) plus $1,000 for each year of age of the worker under forty-five years at the time of the injury, to a maximum of $20,000, or

(ii) minus $1,000 for each year of age of the worker over forty-five years at the time of the injury, to a maximum of $20,000.

Payment of the amount

(3) Payment of the amount for non-economic loss shall be by lump sum unless,

(a) the amount is greater than $10,000; and

(b) the worker elects, by notice in writing to the Board, to receive the amount in equal monthly payments.

Determination of the percentage of permanent impairment

(4) The Board shall determine the degree of a worker's permanent impairment expressed as a percentage of total permanent impairment having regard to medical assessments conducted under this section.

Medical assessment

(5) A medical practitioner who conducts a medical assessment under this section shall,

(a) examine the worker;

(b) assess the degree of permanent impairment of the worker according to the prescribed rating schedule, having regard to the existing and anticipated likely future consequences of the injury; and

(c) promptly forward a copy of the results of the medical assessment to the Board.

Initial medical assessment

(6) After maximum medical rehabilitation of an injured worker has been achieved, the Board shall appoint a medical

practitioner who shall conduct a medical assessment of the worker.

Notification of worker and employer

(7) Upon receiving the results of a medical assessment conducted under subsection (6), the Board shall determine the percentage of permanent impairment of a worker and shall send notice of its decision to the worker and to the employer together with,

(a) for the worker, a copy of the results of the medical assessment; and

(b) for the employer, notice of the degree of permanent impairment of the worker found by the medical practitioner.

Request for reconsideration

(8) A worker or employer may, within ninety days after the decision of the Board is mailed under subsection (7), request that the Board reconsider its decision respecting the percentage of permanent impairment of the worker.

Selection of medical practitioner

(9) Upon receiving a request for reconsideration under subsection (8), the Board shall provide the worker and the employer with a list of at least three medical practitioners, selected from a roster established under subsection (16), from among whom the worker and the employer, by agreement and within thirty days after receiving the list, may select a person who shall conduct a medical assessment.

Idem

(10) If the worker and the employer fail to agree under subsection (9) upon a person to conduct the medical assessment, the Board shall select a medical practitioner from a roster established under subsection (16) and, where possible, who is not named on the list provided to the worker and the employer, who shall conduct the medical assessment.

Idem

(11) Where, because of the nature of a worker's impairment, the Board is of the opinion that it is impractical to provide a list of the names of at least three medical practitioners under subsection (9), the Board shall appoint such medical practitioner to conduct the medical assessment of the worker as the Board considers appropriate in the circumstances.

Reconsideration and notice

(12) Upon receiving the results of a medical assessment conducted as a result of a request under subsection (8), the Board shall reconsider its decision respecting the percentage of permanent impairment of the worker and shall promptly send notice of its decision following its reconsideration to the worker and to the employer together with,

(a) for the worker, a copy of the results of the medical assessment; and

(b) for the employer, notice of the degree of permanent impairment of the worker found by the medical practitioner.

Reconsideration following unanticipated deterioration

(13) A worker, who the Board has determined under this section to have a permanent impairment and who suffers a significant deterioration of condition that was not anticipated at the time of the most recent medical assessment under this section, may apply to the Board to reconsider the worker's percentage of permanent impairment, and subsections (5) to (12) apply to the reconsideration as though it were an initial determination by the Board under this section, with such modifications as the circumstances require.

Time for applying

(14) No worker may apply under subsection (13) until twelve months have elapsed from the most recent decision by the Board respecting percentage of permanent impairment of the worker, and no worker may apply more than twice under subsection (13).

No appeal to Appeals Tribunal

(15) Notwithstanding subsection 86o (1), no appeal lies to the Appeals Tribunal from a decision of the Board under this section or in respect of medical assessment conducted under this section.

Roster of medical practitioners

(16) The Lieutenant Governor in Council, on the recommendation of the Board, may establish a roster or rosters of medical practitioners for the purposes of selecting medical practitioners to make medical assessments under this section.

Remuneration of medical practitioners

(17) A medical practitioner who conducts an assessment under this section shall be paid such sum for services and expenses as the chairman of the Board may determine.

Application of subss. 83 (3, 4)

(18) Subsections 83 (3) and (4) apply with necessary modifications to all medical practitioners who conduct medical assessments under this section.

Compensation for future loss of earnings

45a.—(1) A worker who suffers injury resulting in permanent impairment or resulting in temporary disability for twelve continuous months is entitled to compensation for future loss of earnings arising from the injury.

Amount of compensation

(2) Subject to subsection (4), the amount of compensation payable to a worker for future loss of earnings arising from an injury is equal to 90 per cent of the difference between,

(a) the worker's net average earnings before the injury, having regard to the effect of inflation upon this amount; and

(b) the net average amount that the Board considers that the worker is able to earn after the injury in suitable and available employment,

for such period, up to the time that the worker reaches sixty-five years of age, as the Board considers appropriate in the circumstances.

Earnings from suitable and available employment

(3) For the purposes of subsection (2), in determining the amount that a worker is able to earn in suitable and available employment, the Board shall have regard to,

(a) the net average earnings, if any, of the worker at the time the Board determines compensation under this section;

(b) any disability payments the worker may receive for the injury under the Canada Pension Plan or the Quebec Pension Plan;

(c) the personal and vocational characteristics of the worker;

(d) the prospects for successful medical and vocational rehabilitation of the worker;

(e) what constitutes suitable and available employment for the worker; and

(f) such other factors as may be prescribed in the regulations.

Compensation for older workers

(4) The minimum amount of compensation payable under this section to a worker,

(a) who is at least fifty-five years of age when the Board determines or reviews the amount of the worker's compensation under this section;

(b) who has not returned to work; and

(c) who, in the opinion of the Board, is unlikely to benefit from a vocational rehabilitation program which could help the worker return to work,

is the amount of the full monthly pension for old age security under section 3 of the *Old Age Security Act* (Canada), including amendments thereto. R.S.C. 1970, c. O-6

(5) If a worker who is receiving compensation under this section is co-operating in a Board-authorized vocational or medical rehabilitation program, Supplement to compensation

(a) that began before the date of the Board's review under clause (8) (a); or

(b) that began within twelve months after a determination is made under subsection 45 (13) of an unanticipated deterioration in the worker's condition,

the amount of compensation otherwise determined under this section shall be supplemented so that the total compensation payable to the worker while the worker is co-operating in the rehabilitation program is equal to 90 per cent of the worker's pre-injury net average earnings.

(6) Where possible, the Board shall determine the amount of compensation payable to a worker under this section, Determination of compensation

(a) in the twelfth consecutive month during which the worker is temporarily disabled;

(b) within one year after notice of the accident in which the worker was injured is given under section 20, if during that year the Board determines that the worker is permanently impaired; or

(c) within eighteen months after notice of the accident in which the worker was injured is given under section 20, if the worker's medical condition precludes a determination within the time stated in clause (a) or (b), whichever applies.

(7) The Board may extend the time limits set out in subsection (6) in the case of a worker who is not receiving compensation under this Act and whose entitlement to compensation is in dispute. Idem

(8) Where possible, the Board shall review its determination of the amount of compensation payable to a worker under this section, Review of amount of compensation

(a) in the twenty-fourth month after the date of its initial determination;

(b) in the sixtieth month after the date of its initial determination; and

(c) within twenty-four months after a reconsideration of the percentage of permanent impairment of a worker, under subsection 45 (13), results in a determination of increased permanent impairment of the worker,

but the Board shall not vary the amount of compensation payable as a result of a review unless the amount of the variation would be equal to at least 10 per cent of the amount of compensation being paid at the time of the review.

Payment of compensation

(9) Compensation for future loss of earnings is payable in monthly or other periodic payments except as provided in subsection (10).

Commutation of amount payable

(10) If, following the review under clause (8) (b) or (c), the amount of compensation determined to be payable to a worker under this section is 10 per cent or less of the amount of compensation payable for full loss of earnings, the Board may commute the periodic amount payable to the worker to a lump sum unless the worker elects to receive the compensation in periodic payments.

Benefits for loss of retirement income

45b.—(1) For the purpose of providing a worker who is receiving compensation under section 45a with a retirement pension, the Board shall set aside for the worker additional funds equal to 10 per cent of every payment made to the worker under section 45a.

Payments deemed to be made to worker

(2) Payments to the spouse or dependants of a worker made by the Board under section 50 out of funds otherwise payable to the worker under section 45a shall be deemed to be payments to the worker for the purposes of subsection (1).

Entitlement to retirement income

(3) Each worker on whose behalf the Board sets aside funds under subsection (1), upon reaching sixty-five years of age, shall receive a retirement pension under this section.

Survivor benefits

(4) Where a worker who is receiving a retirement pension or for whom funds are being set aside under this section dies, the spouse and dependants of the worker shall receive such benefits as may be prescribed by regulation.

Exception

(5) Notwithstanding subsection (4), a spouse and dependants who receive compensation under section 36 are not entitled to receive benefits under this section.

Payment of retirement income

(6) A worker for whom funds are being set aside under subsection (1) may select the payment scheme for the worker's retirement pension from among the schemes and subject to the restrictions prescribed in the regulations.

Idem

(7) Notwithstanding subsection (6), if the annual pension to which a worker becomes entitled upon reaching sixty-five years of age is less than $1,000, the Board shall pay the worker's retirement pension under this section as a lump sum.

Calculation of pensions and benefits

(8) Retirement pensions and other benefits payable to or in respect of a worker under this section shall be calculated on the basis of the funds set aside for the worker plus the accumulated investment income thereon.

Employer payment

(9) An employer that is individually liable to pay compensation under this Act shall pay the funds set aside under subsection (1) to the Board.

Fund to be established

(10) The Board shall establish a fund into which funds set aside under subsection (1) shall be deposited and shall invest the fund in accordance with such procedures and restrictions as may be set out in the regulations.

16. Subsection 50 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 13, is repealed and the following substituted therefor:

Garnishment for family support

(1) Where a worker is entitled to compensation under this Act and the worker's spouse is entitled or the worker's dependants are entitled to support or maintenance under a court order, the Board shall divert such portion of the compensation payable to the worker in each periodic payment as is permitted under subsection (1a),

(a) in accordance with a garnishment notice issued by a court in Ontario; and

(b) to the extent of default or arrears accruing after the 1st day of April, 1985, under the court order.

R.S.O. 1980, c. 526 applies

(1a) Garnishment of compensation under subsection (1) is subject to the limits set out in section 7 of the *Wages Act* and compensation payable under this Act shall be deemed to be wages for the purposes of the *Wages Act*.

17.—(1) Clause 52 (1) (c) of the said Act is amended by striking out "disability" in the second line and inserting in lieu thereof "impairment".

(2) Clause 52 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 3, section 4, is amended by striking out "disability" in the fifth line and inserting in lieu thereof "impairment".

18. Section 53 of the said Act is amended by striking out "without additional charge" in the fourth line.

19. The said Act is further amended by adding thereto the following sections:

Application

54a.—(1) This section applies in respect of a worker who receives benefits under section 40.

Vocational rehabilitation

(2) Where, in the opinion of the Board, a worker should be provided with a vocational rehabilitation program, the Board, in consultation with the worker and, where possible, the employer and the worker's physician, shall design and provide the worker with a vocational rehabilitation program.

Particulars of program

(3) A vocational rehabilitation program referred to in subsection (2) may include vocational training, language training, general skills upgrading, refresher courses, employment counselling (including training in job search skills and the identification of employment opportunities), assistance in seeking employment and assistance in adapting the work place of an employer to accommodate the worker.

Entitlement to job search assistance

(4) If a worker's vocational rehabilitation program under this section includes assistance in seeking employment, the Board shall assist the worker to search for employment for a period of up to six months after the worker is available for employment and the Board may extend its assistance for a further period of up to six months.

Assessment re: vocational rehabilitation services

(5) The Board shall contact every worker who has not returned to work within forty-five days after notice of the accident under section 20 is filed, for the purpose of identifying the worker's need for vocational rehabilitation services, and the Board shall provide such services to the worker if the Board considers it appropriate to do so.

Idem

(6) The Board shall contact every worker,

(a) who has not returned to his or her pre-injury employment or to alternate employment of a nature and at earnings comparable to the pre-injury employment within six months after notice of the accident under section 20 is filed;

(b) who is not receiving vocational rehabilitation services; and

(c) who has not completed a vocational rehabilitation program,

in order to offer the worker a vocational rehabilitation assessment and, if the offer is accepted, shall provide the assessment.

Idem

(7) If a worker is medically unable to undergo a vocational rehabilitation assessment when contacted by the Board under subsection (6), the Board shall make the offer of an assessment within a reasonable time after the date the worker becomes medically able to undergo the assessment.

Results of an assessment

(8) The Board shall notify the worker and the employer in writing of the results of a vocational rehabilitation assessment conducted under subsection (6) or (7) and shall send the worker a copy of the assessment.

REINSTATMENT AND RE-EMPLOYMENT

Application

54b.—(1) This section does not apply in respect of,

(a) employers and workers engaged in the construction industries;

(b) employers who regularly employ fewer than twenty workers; and

(c) such classes or subclasses of employers and workers as may be exempted by the regulations.

Obligation to reinstate or re-employ

(2) The employer of a worker who, on the date of injury, had been employed continuously for at least one year by the employer,

(a) shall reinstate the worker in the position the worker held on the date of injury or provide the worker with alternate employment of a nature and at earnings comparable to the worker's employment on that date; or

(b) if the worker is unable to perform the essential duties of a position described in clause (a), shall offer the worker the first opportunity to accept suitable employment that may become available with the employer.

Duration of the employer's obligation

(3) An employer is obligated under subsection (2) until the day that is the earliest of,

(a) two years after the date of the injury to the worker;

(b) one year after the date the worker is available for employment; and

(c) the date the worker reaches sixty-five years of age.

Failure of the employer to comply

(4) If an employer does not comply with the obligations set out in subsection (2), the Board may,

(a) levy a penalty on the employer in the amount of 90 per cent of the worker's net average earnings for the year preceding the injury, where necessary restricting the worker's net average earnings to the maximum amount described in section 41; and

(b) make payments to the worker for a maximum of one year as if the worker were entitled to compensation under section 40, and subsections 40 (2) and (3) apply to the payments with such modifications as the circumstances may require.

Termination from employment of the worker

(5) An employer who, having reinstated or re-employed a worker in accordance with this section, terminates the employment within six months, is presumed, unless the contrary is shown, not to have fulfilled the employer's obligations under this section, and the employer is liable to the penalty described in clause (4) (a) and the worker may receive the payments described in clause (4) (b).

Board to determine on worker's application

(6) For the purposes of this section, the Board shall determine whether the employer has met the employer's obligations under this section upon receiving an application from the aggrieved worker.

No appeal to Appeals Tribunal

(7) Notwithstanding subsection 86o (1), no appeal lies to the Appeals Tribunal from a decision of the Board under this section.

Conflict with collective agreements

(8) Where this section conflicts with a collective agreement that is binding upon the employer and the obligations of the employer under this section in respect of a worker afford the worker greater reinstatement or re-employment terms in the circumstances than the terms available to the worker under the collective agreement, this section prevails over the collective agreement.

20. **Section 69 of the said Act is amended by adding thereto the following subsection:**

(1a) Without restricting the generality of subsection (1), the Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, Idem

(a) prescribing, for the purposes of clauses 36 (1) (b) and 40 (2) (b) and subsections 45a (2), 135 (5) and (7), the way in which payments received under the Canada Pension Plan and the Quebec Pension Plan are to be included in the calculation of compensation, of the amount that a worker is able to earn or of the sum of a supplement and an award, as the case may be;

(b) establishing criteria for determining the average earnings of an apprentice, learner or student for the purposes of subsection 43 (6);

(c) establishing, for the purposes of medical assessments under section 45, a rating schedule setting out the degree of permanent impairment for specified types of permanent impairment and setting out criteria for assessing the degree of permanent impairment of other types of permanent impairment;

(d) establishing criteria for assessing the personal and vocational characteristics of a worker, for the purposes of clause 45a (3) (c);

(e) establishing criteria for determining what constitutes suitable and available employment for a worker, for the purposes of clause 45a (3) (e);

(f) prescribing factors to be considered by the Board for the purposes of clause 45a (3) (f);

(g) governing pensions payable to workers, their spouses and their dependants under section 45b;

(h) governing the investment of amounts in, and payments out of, the fund established under subsection 45b (10);

(i) exempting classes or subclasses of employers or workers from the application of section 54b;

(j) establishing criteria for determining how many persons are regularly employed by an employer, for the purposes of clause 54b (1) (b);

(k) establishing criteria for determining what constitutes alternative employment of a nature and at earnings comparable to a worker's pre-injury employment, for the purposes of clause 54b (2) (a);

(l) establishing criteria for determining the essential duties of a position for the purposes of clause 54b (2) (b).

21.—(1) Clause 71 (3) (h) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 24, is amended by inserting after "disabled" in the fifth line "or impaired".

(2) Clause 71 (3) (i) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 24, is amended by inserting after "disabled" in the fifth line "or impaired".

22.—(1) Clause 75 (2) (d) of the said Act is amended by inserting after "disability" in the first line "or impairment".

(2) Clause 75 (2) (e) of the said Act is amended by striking out "disability" in the first line and inserting in lieu thereof "impairment".

(3) Clause 75 (2) (g) of the said Act is repealed and the following substituted therefor:

(g) the future loss of earnings by reason of any injury.

(4) Subsection 75 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 27, is further amended by adding thereto the following clause:

(n) whether an employer has fulfilled the employer's obligation under section 54b to reinstate or re-employ a worker.

23. Section 86p of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 32, is amended by adding thereto the following subsection:

Application of subss. 83 (3, 4)

(6a) Subsections 83 (3) and (4) apply with necessary modifications to the chairman, vice-chairman and other members of the Panel and to the officers and employees of the Panel.

24. **Section 86q of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 32, is amended by adding thereto the following subsection:**

(4) Subsections 83 (3) and (4) apply with necessary modifications to the officers and employees of the Office of the Worker Adviser. Application of subss. 83 (3, 4)

25. **Section 86r of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 32, is amended by adding thereto the following subsection:**

(3) Subsections 83 (3) and (4) apply with necessary modifications to the officers and employees of the Office of the Employer Adviser. Application of subss. 83 (3, 4)

26.—**(1) Subsection 122 (1) of the said Act is amended by striking out "disabled" in the second line and inserting in lieu thereof "impaired" and by striking out "disablement" in the seventh line and inserting in lieu thereof "impairment".**

(2) Subsection 122 (11) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 4, is further amended by striking out "disability" in the third line and inserting in lieu thereof "impairment" and by striking out "disablement" in the last line and inserting in lieu thereof "impairment".

27. **Section 123 of the said Act is amended by adding thereto the following subsection:**

(3a) Subsections 83 (3) and (4) apply with necessary modifications to officers and employees of an association. Application of subss. 83 (3, 4)

28. **Part III of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 37 and amended by 1985, chapter 3, sections 5, 6, 7, 8 and 9, is repealed and the following substituted therefor:**

PART III

TRANSITIONAL PROVISIONS

132. In this Part, Definitions

"pre-1985 Act" means this Act as it read on the 31st day of March, 1985, as amended by the Statutes of Ontario, 1984, chapter 58, section 37 and 1985, chapter 3, sections 6, 7, 8 and 9;

"pre-1985 injury" means,

(a) a personal injury by accident or an industrial disease that occurred before the 1st day of April, 1985, or

(b) death that occurred before the 1st day of April, 1985, resulting from an injury by accident or an industrial disease;

"pre-1988 Act" means this Act as it read immediately before the coming into force of this definition, excluding Part III thereof;

"pre-1988 injury" means a personal injury by accident or an industrial disease that occurred on or after the 1st day of April, 1985 and before the coming into force of section 45a of this Act.

Pre-1985 Act continues to apply

133.—(1) Except as provided in this section, the pre-1985 Act continues to apply to pre-1985 injuries.

Exception

(2) Subsections 43 (5), (5a), (5b) and (5c) of the pre-1985 Act cease to apply to pre-1985 injuries on the day this section comes into force.

Pre-1988 Act continues to apply

134.—(1) Except as provided in this section, the pre-1988 Act continues to apply to pre-1988 injuries.

Exception

(2) Subsections 45 (5), (6), (7) and (8) of the pre-1988 Act cease to apply to pre-1988 injuries on the day this section comes into force.

PERMANENT PARTIAL DISABILITY SUPPLEMENTS

Definition of worker

135.—(1) In this section, "worker" means a worker who is disabled as a result of a pre-1985 injury or a pre-1988 injury.

Application

(2) This section applies in respect of workers whose disability is significantly greater than is usual for the nature and degree of the injury from which the disability arises.

Supplementary benefits for vocational rehabilitation

(3) If, in the opinion of the Board, a worker is likely to benefit from a vocational rehabilitation program, the Board shall supplement the amount awarded under,

(a) subsection 43 (1) of the pre-1985 Act, with respect to a pre-1985 injury; or

(b) subsection 45 (1) of the pre-1988 Act, with respect to a pre-1988 injury,

for permanent partial disability to the worker for the period, if any, during which the worker co-operates in a Board-authorized vocational rehabilitation program which could help the worker to return to work.

Calculation of supplement under subs. (3)

(4) Subject to subsection (5), in calculating the amount of a supplement under subsection (3), the Board shall have regard to,

(a) the difference between the average earnings of the worker before the accident and the average earnings after the accident, with respect to a pre-1985 injury; or

(b) the difference between the net average earnings of the worker before the accident and the net average earnings after the accident, with respect to a pre-1988 injury.

Maximum amount of supplement

(5) Subject to subsection (6), a supplement under subsection (3) shall be a weekly or other periodic payment of 75 per cent of the difference described in clause (4) (a) with respect to a pre-1985 injury, or 90 per cent of the difference described in clause (4) (b) with respect to a pre-1988 injury.

Idem

(6) The sum of the supplement under subsection (3) and,

(a) with respect to a pre-1985 injury, the award made under subsection 43 (1) of the pre-1985 Act shall not exceed 75 per cent of the worker's pre-accident average earnings; and

(b) with respect to a pre-1988 injury, the award made under subsection 45 (1) of the pre-1988 Act shall not exceed 90 per cent of the worker's pre-accident net average earnings,

and the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan and the Quebec Pension Plan.

Supplement where vocational rehabilitation not indicated

(7) The Board shall supplement the amount awarded for permanent partial disability under,

(a) subsection 43 (1) of the pre-1985 Act, with respect to a pre-1985 injury; or

(b) subsection 45 (1) of the pre-1988 Act, with respect to a pre-1988 injury,

to a worker who,

(c) in the opinion of the Board, is unable to return to work and unlikely to obtain employment following a vocational rehabilitation program; or

(d) has returned to employment and, in the opinion of the Board, is unlikely to benefit from a vocational rehabilitation program which could lead to employment with earnings comparable to the worker's pre-injury earnings,

by an amount not exceeding the full monthly pension for old age security under section 3 of the *Old Age Security Act* (Canada), including amendments thereto.

R.S.C. 1970, c. O-6

Duration of supplement under subs. (7)

(8) A supplement under subsection (7) may continue until the worker is eligible for old age security benefits.

Maximum amount of supplement under subs. (7)

(9) With respect to a worker with a pre-1985 injury, the sum of,

(a) the supplement under subsection (7);

(b) the award made under subsection 43 (1) of the pre-1985 Act; and

(c) the worker's average earnings after the accident,

shall not exceed 75 per cent of the worker's pre-accident average earnings.

Idem

(10) With respect to a worker with a pre-1988 injury, the sum of,

(a) the supplement under subsection (7);

(b) the award made under subsection 45 (1) of the pre-1988 Act; and

(c) the worker's net average earnings after the accident,

shall not exceed 90 per cent of the worker's pre-accident net average earnings.

(11) In making calculations under subsections (9) and (10), the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan and the Quebec Pension Plan. C.P.P and Q.P.P. payments

(12) The supplement awarded under subsection (7) shall be a weekly or other periodic payment. Payment of supplement under subs. (7)

(13) The Board shall review, where possible, a supplement awarded under subsection (7) in the twenty-fourth month and in the sixtieth month after the date on which the supplement is awarded. Review of supplement under subs. (7)

29. Subsection 141 (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 17, section 5, is amended by striking out "(3)" in the second line.

30.—(1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 to 27 and section 29 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

31. The short title of this Act is the *Workers' Compensation Amendment Act, 1988*. Short title

XB
-B56

Bill 163 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Bill 163

An Act to establish the Ministry of Financial Institutions

The Hon. R. Nixon
Minister of Financial Institutions

1st Reading June 21st, 1988
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly by the ©Queen's Printer for Ontario

Projet de loi 163 **du gouvernement**

1re SESSION, 34e LÉGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Projet de loi 163

Loi portant création du ministère des Institutions financières

L'honorable R. Nixon
ministre des Institutions financières

1re lecture 21 juin 1988
2e lecture
3e lecture
sanction royale

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

EXPLANATORY NOTE

The Bill establishes the Ministry of Financial Institutions.

NOTE EXPLICATIVE

Le projet de loi porte création du ministère des Institutions financières.

Bill 163 1988

An Act to establish the Ministry of Financial Institutions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"sous-ministre" "Deputy Minister" means the Deputy Minister of Financial Institutions;

"ministre" "Minister" means the Minister of Financial Institutions;

"ministère" "Ministry" means the Ministry of Financial Institutions.

Ministry established

2. There shall be a ministry of the public service to be known as the Ministry of Financial Institutions.

Minister to have charge

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Functions of Minister

4.—(1) The functions of the Minister are,

(a) to advise the Government respecting financial institutions and services in Ontario;

(b) to develop policies to increase the domestic and international competitiveness of Ontario in the financial services sector;

(c) to develop policies and programs to improve protection for the consumer of financial services;

(d) to appoint task forces and advisory committees and to conduct studies respecting financial institutions and services;

Projet de loi 163 1988

Loi portant création du ministère des Institutions financières

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

«ministère» Le ministère des Institutions financières. «Ministry»

«ministre» Le ministre des Institutions financières. «Minister»

«sous-ministre» Le sous-ministre des Institutions financières. «Deputy Minister»

Création du ministère

2 Est créé un ministère de la fonction publique portant le nom de ministère des Institutions financières.

Responsabilité du ministre

3 Le ministre dirige le ministère et en a la responsabilité. Il a le pouvoir d'agir pour le compte du ministère et en son nom.

Fonctions du ministre

4 (1) Les fonctions du ministre sont les suivantes :

a) conseiller le gouvernement en ce qui a trait aux institutions financières et aux services financiers en Ontario;

b) élaborer des politiques visant à accroître la compétitivité de l'Ontario dans le secteur des services financiers, au Canada et à l'étranger;

c) élaborer des politiques et des programmes visant à mieux protéger les consommateurs de services financiers;

d) constituer des groupes de travail et des comités consultatifs et effectuer des études portant sur les institutions financières et les services financiers;

(e) to promote investor confidence in financial institutions in Ontario;

(f) to develop systems for monitoring the financial stability of financial institutions;

(g) to assist in the rehabilitation of financial institutions when it is in the public interest to do so;

(h) to collect and disseminate information on financial institutions and services in Ontario; and

(i) to promote high standards of business and management for financial institutions and others who provide financial services in Ontario.

Idem

(2) For the purpose of carrying out his or her functions under this Act, the Minister may,

(a) make grants and loans out of moneys appropriated by the Legislature;

(b) provide funding for task forces, advisory committees and studies; and

(c) enter into agreements with any government, agency or person.

Administration of Acts

5.—(1) The Minister is responsible for the administration of this Act and the Acts that are or have been assigned to the Minister by the Legislature or by the Lieutenant Governor in Council.

Annual report

(2) After the end of each fiscal year, the Minister shall submit to the Lieutenant Governor in Council an annual report on the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Deputy Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Financial Institutions who shall be the deputy head of the Ministry.

Staff
R.S.O. 1980, c. 418

(2) Subject to the *Public Service Act*, there may be appointed such other employees as are considered necessary for the proper conduct of the business of the Ministry.

e) favoriser la confiance des investisseurs dans les institutions financières de l'Ontario;

f) élaborer des systèmes de contrôle de la stabilité financière des institutions financières;

g) aider au redressement de la situation des institutions financières quand cela est dans l'intérêt du public;

h) rassembler et diffuser des renseignements sur les institutions financières et les services financiers en Ontario;

i) favoriser l'élaboration et le respect, par les institutions financières et autres fournisseurs de services financiers en Ontario, de normes élevées dans leurs affaires et leur gestion.

Idem

(2) Dans l'exercice de ses fonctions en vertu de la présente loi, le ministre peut :

a) accorder des subventions et consentir des prêts en prélevant les sommes affectées à cette fin par la Législature;

b) pourvoir au financement de groupes de travail, de comités consultatifs et des études qui sont faites;

c) conclure des ententes avec un gouvernement, un organisme ou une personne.

Application des lois

5 (1) Le ministre est chargé de l'application de la présente loi et des lois qui lui sont confiées ou qui lui ont été confiées par la Législature ou par le lieutenant-gouverneur en conseil.

Rapport annuel

(2) Après la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport annuel sur les affaires du ministère. Le ministre le dépose ensuite devant l'Assemblée. Si celle-ci ne siège pas, il le dépose à la session suivante.

Sous-ministre

6 (1) Le lieutenant-gouverneur en conseil nomme un sous-ministre des Institutions financières qui exerce les fonctions d'administrateur général du ministère.

Personnel
L.R.O. 1980, chap. 418

(2) Sous réserve de la *Loi sur la fonction publique*, d'autres employés peuvent être nommés selon ce qui est jugé nécessaire afin d'assurer le bon fonctionnement du ministère.

Delegation of powers and duties

7.—(1) Where, under this or any other Act, a power is granted to or vested in or a duty is imposed upon the Minister, the Minister may delegate in writing that power or the obligation to perform that duty to the Deputy Minister, to an employee of the Ministry or to any other public servant, subject to the conditions set out in the delegation.

Idem
R.S.O. 1980, c. 274

(2) A delegation made under the *Ministry of Consumer and Commercial Relations Act* in relation to an Act administered by the Minister shall be deemed to have been made by the Minister.

Deeds and contracts
R.S.O. 1980, c. 147

(3) Despite section 6 of the *Executive Council Act*, a deed or contract signed by a person empowered to do so under a delegation made under subsection (1) has the same effect as if signed by the Minister.

Facsimile signature

(4) The Minister may authorize the use of a facsimile of his or her signature and the Deputy Minister may authorize the use of a facsimile of his or her signature on any document except an affidavit or a statutory declaration.

Idem

(5) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection (4) shall be deemed to be the signature of the Minister or the Deputy Minister, as the case may be.

Protection from personal liability

8.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, any employee of the Ministry, anyone acting under the authority of the Minister or the Deputy Minister, or anyone appointed under this Act or any other Act administered by the Minister for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown liability
R.S.O. 1980, c. 393

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Delegation of power to hold hearing

9.—(1) Where, under any Act,

(a) the Minister;

(b) the Superintendent of Insurance;

(c) the Director of Credit Unions;

Délégation de pouvoirs et de fonctions

7 (1) Le ministre peut déléguer au sous-ministre, à un employé du ministère ou à un autre fonctionnaire tout pouvoir ou fonction que lui confère ou impose la présente loi ou une autre loi. La délégation est écrite et peut être assortie de conditions.

Idem
L.R.O. 1980, chap. 274

(2) La délégation faite aux termes de la *Loi sur le ministère de la Consommation et du Commerce* relativement à une loi dont l'application relève du ministre, est réputée faite par le ministre.

Actes et contrats
L.R.O. 1980, chap. 147

(3) Malgré l'article 6 de la *Loi sur le Conseil des ministres*, un acte ou un contrat signé par une personne habilitée à ce faire en vertu d'une délégation faite aux termes du paragraphe (1) a le même effet que s'il est signé par le ministre.

Fac-similé de signature

(4) Le ministre et le sous-ministre peuvent chacun autoriser l'utilisation d'un fac-similé de leur signature sur tout document, à l'exclusion d'un affidavit ou d'une déclaration solennelle.

Idem

(5) Un fac-similé de la signature du ministre ou du sous-ministre apposé à un document en vertu d'une autorisation accordée aux termes du paragraphe (4) est réputé la signature du ministre ou du sous-ministre, selon le cas.

Immunité

8 (1) Sont irrecevables les actions ou autres instances en dommages-intérêts intentées contre le sous-ministre, un employé du ministère, quiconque agit sous l'autorité du ministre ou du sous-ministre ou quiconque nommé en vertu de la présente loi ou de toute autre loi dont l'application relève du ministre, pour un acte accompli de bonne foi dans l'exercice ou l'exercice prévu de leurs fonctions ou pour une négligence ou un défaut imputés dans l'exercice de bonne foi de leurs fonctions.

Responsabilité de la Couronne
L.R.O. 1980, chap. 393

(2) Malgré les paragraphes 5 (2) et (4) de la *Loi sur les instances introduites contre la Couronne*, le paragraphe (1) ne dégage pas la Couronne de la responsabilité qu'elle serait autrement tenue d'assumer à l'égard d'un délit civil commis par une personne visée au paragraphe (1).

Délégation du pouvoir de tenir une audience

9 (1) Si, en vertu d'une loi :

a) le ministre;

b) le surintendant des assurances;

c) le directeur des caisses populaires;

(d) the Superintendent or the Director appointed under the *Loan and Trust Corporations Act, 1987*; or

1987, c. 33

(e) the Registrar appointed under the *Loan and Trust Corporations Act*,

R.S.O. 1980, c. 249

has the power or duty to hold a hearing before making a decision, he or she may delegate the power and duty to hold a hearing and make a decision to one or more persons appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

Appointment by Lieutenant Governor in Council

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by order appoint persons, including members of the public service, for any purpose mentioned in subsection (1), who shall hold office during pleasure.

Presiding officer

(3) Where more than one person is delegated a power or duty under subsection (1), the person who delegated the power or duty shall designate one of them as presiding officer.

Remuneration and expenses

(4) Persons appointed under subsection (2), other than members of the public service, shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and the reasonable expenses incurred by them in the course of their duties under this Act.

Decisions

(5) Where more than one person is delegated a power or duty under subsection (1), the decision of the majority shall be deemed to be the decision of the person who delegated the power or duty, but, if there is no majority, the decision of the presiding officer governs.

Accounting statement respecting grant or loan

10.—(1) The Minister may require a recipient of a grant or loan under this Act to submit to the Minister a statement prepared by a person licensed under the *Public Accountancy Act* that sets out the details of the disposition of the grant or loan by the recipient.

R.S.O. 1980, c. 405

Idem

(2) Where the Minister requires a statement under subsection (1), the recipient shall arrange for the preparation of the statement forthwith and provide the statement as soon as practicable.

Guarantee of loans

11.—(1) On the recommendation of the Treasurer of Ontario and Minister of Economics, the Lieutenant Governor in Council may, for any of the purposes of this Act, guarantee the payment of any loan or a part thereof, together with interest thereon, made to any person.

d) le surintendant ou le directeur nommé aux termes de la *Loi de 1987 sur les compagnies de prêt et de fiducie*; 1987, chap. 33

e) le registrateur nommé aux termes de la *Loi sur les compagnies de prêt et de fiducie*, L.R.O. 1980, chap. 249

a, selon le cas, le pouvoir ou la fonction de tenir une audience avant de prendre une décision, il peut déléguer ce pouvoir ou cette fonction à une ou plusieurs personnes qu'a nommées le lieutenant-gouverneur en conseil sur la recommandation du ministre.

Nomination par le lieutenant-gouverneur en conseil

(2) Le lieutenant-gouverneur en conseil, sur la recommandation du ministre, peut, par décret, nommer des personnes, y compris des membres de la fonction publique, à l'une des fins prévues au paragraphe (1). Ces personnes exercent leurs fonctions à titre amovible.

Président

(3) Si un pouvoir ou une fonction est délégué à plus d'une personne aux termes du paragraphe (1), la personne qui a délégué le pouvoir ou la fonction désigne une de ces personnes comme président.

Rémunération et frais

(4) Les personnes nommées aux termes du paragraphe (2), à l'exclusion des membres de la fonction publique, reçoivent la rémunération que peut fixer le lieutenant-gouverneur en conseil, et le paiement des frais normaux qu'elles ont engagés dans l'exercice de leurs fonctions aux termes de la présente loi.

Décisions

(5) Si un pouvoir ou une fonction est délégué à plus d'une personne aux termes du paragraphe (1), la décision de la majorité est réputée la décision de la personne qui a délégué le pouvoir ou la fonction. En cas de partage, le président a voix prépondérante.

Relevé comptable concernant une subvention ou un prêt L.R.O. 1980, chap. 405

10 (1) Le ministre peut exiger du bénéficiaire d'une subvention accordée ou d'un prêt consenti en vertu de la présente loi qu'il lui présente un relevé établi par une personne agréée aux termes de la *Loi sur les experts-comptables* qui indique en détail la manière dont le bénéficiaire a fait usage des fonds provenant de la subvention ou du prêt.

Idem

(2) Si le ministre exige le relevé visé au paragraphe (1), le bénéficiaire prend sans délai les dispositions nécessaires à l'établissement du relevé qu'il fournit dès que cela est possible.

Prêts garantis

11 (1) Sur la recommandation du trésorier de l'Ontario et ministre de l'Économie, le lieutenant-gouverneur en conseil peut, pour toute application de la présente loi, garantir le

Form of guarantee

(2) A guarantee under subsection (1) shall be in the form and on the terms approved by the Lieutenant Governor in Council and shall be signed by the Treasurer of Ontario or by such other persons as the Lieutenant Governor in Council designates.

Province liable for payment

(3) The Province of Ontario is liable for the payment of the loan or part thereof and interest thereon according to the terms of the guarantee signed in accordance with subsection (2).

Payment of interest

(4) Where a guarantee is given under subsection (1), the Lieutenant Governor in Council may authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment of guarantee

(5) The moneys necessary to fulfil the requirements of any guarantee under this section shall be paid out of the Consolidated Revenue Fund.

Offence

12. No person shall, in respect of a grant or loan made under this Act,

(a) make a false or misleading statement in an application or other document;

(b) furnish any false or misleading information; or

(c) expend or commit the whole or part of the grant or loan for a purpose other than the purpose for which it was given.

Appointment of investigators

13.—(1) The Minister may appoint employees of the Ministry as investigators to carry out investigations related to any grant, loan, guarantee or agreement made or given under this Act.

Powers on investigation

(2) An investigator, for the purpose of carrying out an investigation under subsection (1), may,

(a) enter any place at any reasonable time;

remboursement de la totalité ou d'une partie d'un prêt consenti à quiconque, ainsi que le paiement des intérêts qui s'y rapportent.

Forme de la garantie

(2) Le lieutenant-gouverneur en conseil approuve la forme de la garantie et les conditions de celle-ci. Cette garantie est signée par le trésorier de l'Ontario ou par les personnes que le lieutenant-gouverneur en conseil désigne.

La province est responsable du paiement

(3) La province de l'Ontario est responsable du remboursement de la totalité ou d'une partie du prêt, ainsi que du paiement des intérêts qui s'y rapportent, selon les conditions de la garantie signée conformément au paragraphe (2).

Paiement des intérêts

(4) S'il a donné une garantie aux termes du paragraphe (1), le lieutenant-gouverneur en conseil peut autoriser le paiement, par la province de l'Ontario, de la totalité ou d'une partie des intérêts qui se rapportent au prêt pour l'ensemble ou une partie de la durée de la garantie.

Paiement du montant couvert par la garantie

(5) Les fonds nécessaires pour honorer les obligations qui découlent d'une garantie donnée aux termes du présent article sont prélevés sur le Fonds du revenu consolidé.

Infraction

12 En ce qui concerne une subvention accordée ou un prêt consenti en vertu de la présente loi, nul ne doit :

a) faire une déclaration fausse ou trompeuse sur une demande ou un autre document;

b) fournir des renseignements faux ou trompeurs;

c) dépenser ou affecter la totalité ou une partie de la subvention ou du prêt à une fin autre que celle faisant l'objet de la somme accordée.

Nomination d'enquêteurs

13 (1) Le ministre peut nommer, parmi les employés du ministère, des enquêteurs pour qu'ils effectuent des enquêtes portant sur une subvention accordée, un prêt consenti, une garantie donnée ou une entente conclue en vertu de la présente loi.

Pouvoirs des enquêteurs

(2) Dans le cadre de l'enquête visée au paragraphe (1), l'enquêteur peut :

a) pénétrer dans un endroit quelconque, à une heure raisonnable;

(b) request the production for inspection of documents or things that may be relevant to the investigation;

(c) on giving a receipt therefor, remove from a place documents or things produced in response to a request under clause (b) for the purpose of making copies or extracts and shall promptly return them to the person who produced them; and

(d) question a person on matters that are or may be relevant to the investigation, subject to the person's right to have counsel or some other representative present during the examination.

Identification

(3) An investigator exercising a power under this Act shall provide identification at the time of entry.

Entry to dwellings

(4) An investigator shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier, except under the authority of a warrant issued under this section.

Warrant for search

(5) Where a justice of the peace is satisfied on information upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to an investigation under this section, the justice of the peace may issue a warrant authorizing the investigator named in the warrant to search the place for any such documents or things and to remove them for the purpose of making copies or extracts, and they shall be returned promptly to the place from which they were removed.

Warrant for entry

(6) Where a justice of the peace is satisfied on information upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that an investigator may carry out an investigation under this section, the justice of the peace may issue a warrant authorizing such entry by the investigator named in the warrant.

Execution and expiry of warrant

(7) A warrant issued under this section,

(a) shall specify the hours and days during which it may be executed; and

b) exiger la production, à des fins d'inspection, de documents ou d'objets qui peuvent être pertinents à l'enquête;

c) après avoir donné un récépissé à cet effet, enlever de quelque endroit où ils se trouvent, les documents ou les objets produits à la suite de la demande formulée en vertu de l'alinéa b), aux fins d'en tirer des copies ou des extraits, après quoi ils sont promptement retournés à la personne qui les a produits;

d) interroger quiconque sur des questions qui sont ou peuvent être pertinentes à l'enquête, sous réserve du droit de cette personne à la présence d'un avocat ou d'un autre représentant lors de l'interrogatoire.

Pièce d'identité

(3) Dans l'exercice d'un pouvoir que confère la présente loi, l'enquêteur présente une pièce d'identité au moment de pénétrer dans un endroit.

Accès à un logement

(4) Le pouvoir accordé par la présente loi de pénétrer dans un endroit qui sert de logement ne doit pas être exercé sans la permission de l'occupant, sauf en vertu d'un mandat décerné aux termes du présent article.

Mandat de perquisition

(5) Le juge de paix qui est convaincu, à la suite d'une dénonciation faite sous serment, qu'il se trouve dans un endroit quelconque des documents ou des objets qu'on peut raisonnablement croire susceptibles de fournir des preuves pertinentes à l'enquête effectuée en vertu du présent article, peut décerner un mandat. Le mandat autorise l'enquêteur qui y est nommé à perquisitionner à cet endroit en vue d'en enlever les pièces précitées pour en tirer des copies ou des extraits, après quoi ces pièces sont promptement retournées à cet endroit.

Mandat pour pénétrer dans un endroit

(6) Le juge de paix qui est convaincu, à la suite d'une dénonciation faite sous serment, qu'il existe des motifs raisonnables de croire qu'il est nécessaire qu'un enquêteur, dans le cadre de l'enquête effectuée en vertu du présent article, pénètre dans un endroit qui sert de logement ou dont l'accès a été refusé, peut décerner un mandat autorisant l'enquêteur qui y est nommé à pénétrer dans cet endroit.

Exécution et caducité du mandat

(7) Le mandat décerné aux termes du présent article :

a) précise les heures et les jours pendant lesquels il peut être exécuté;

(b) shall name a date on which it expires, which date shall not be later than fifteen days after its issue.

Admissibility of copies

(8) Copies of, or extracts from, documents and things removed from premises under this Act and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Obstruction of investigator

14.—(1) No person shall hinder, obstruct or interfere with an investigator in the execution of a warrant or otherwise impede an investigator in carrying out an investigation under subsection 13 (1).

Idem

(2) Subsection (1) is not contravened where a person refuses to produce documents or things, unless a warrant has been issued under subsection 13 (5).

Offence

15.—(1) Every person who contravenes subsection 10 (2), section 12 or subsection 14 (1) and every director or officer of a corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $25,000.

Idem

(2) Despite subsection (1), where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed on the corporation is $100,000.

Restitution

(3) Where a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to make compensation or restitution in relation thereto.

Limitation period

(4) No proceeding for an offence under this Act shall be commenced in any court more than two years after the facts upon which the proceedings are based first came to the knowledge of the Minister.

Repayment of grant or loan

(5) On a conviction for an offence under section 12, the amount of the grant or loan in respect of which the offence was committed, together with interest thereon, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

Definitions

16.—(1) In this section,

"organisme du ministère"

"agency of the Ministry" means a body that is,

b) porte une date de caducité qui ne peut être postérieure à quinze jours de la date où il a été décerné.

Admissibilité des copies

(8) Les copies ou extraits qu'une personne a tirés des documents et des objets qui ont été enlevés d'un endroit aux termes de la présente loi, et que cette personne certifie être conformes aux originaux, sont admissibles en preuve dans la même mesure et ont la même valeur probante que les documents ou les objets dont ils sont tirés.

Interdiction d'entraver l'enquêteur

14 (1) Nul ne doit entraver ni gêner un enquêteur dans l'exécution d'un mandat ni d'une autre façon l'empêcher de mener l'enquête visée au paragraphe 13 (1).

Idem

(2) Sauf si un mandat a été décerné aux termes du paragraphe 13 (5), le paragraphe (1) n'est pas enfreint par le refus d'une personne de produire des documents ou des objets.

Infraction

15 (1) Quiconque contrevient au paragraphe 10 (2), 14 (1) ou à l'article 12 et tout administrateur ou dirigeant d'une personne morale qui participe à cette contravention est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 25 000 $.

Idem

(2) Malgré le paragraphe (1), si une personne morale est reconnue coupable d'une infraction aux termes du paragraphe (1), l'amende maximale qui peut lui être imposée est de 100 000 $.

Restitution

(3) Le tribunal qui prononce la déclaration de culpabilité peut, en plus de toute autre peine, ordonner à la personne reconnue coupable de l'infraction aux termes de la présente loi de verser une indemnité ou de faire restitution en conséquence.

Prescription

(4) Est irrecevable la poursuite intentée relativement à une infraction à la présente loi plus de deux ans après que les faits sur lesquels elle se fonde ont été portés en premier lieu à la connaissance du ministre.

Remboursement d'un prêt ou d'une subvention

(5) En cas de condamnation pour une infraction aux termes de l'article 12, le montant de la subvention ou du prêt à l'égard duquel l'infraction a été commise, ainsi que les intérêts qui s'y rapportent, sont réputés une dette payable à la Couronne et peuvent être recouvrés au moyen d'une action intentée devant un tribunal compétent.

Définitions

16 (1) Les définitions qui suivent s'appliquent au présent article.

«agency of the Ministry»

«organisme du ministère» S'entend d'une entité qui est :

(a) constituted under this Act or any other Act administered by the Minister, and

(b) designated as an institution in the regulations made under the *Freedom of Information and Protection of Privacy Act, 1987*;

1987, c. 25

"organisme du ministère de la Consommation et du Commerce"

"agency of the Ministry of Consumer and Commercial Relations" means a body, other than The Commercial Registration Appeal Tribunal, that is,

(a) constituted under an Act administered by the Minister of Consumer and Commercial Relations, and

(b) designated as an institution in the regulations made under the *Freedom of Information and Protection of Privacy Act, 1987*;

"renseignements personnels"

"personal information" means personal information as defined in the *Freedom of Information and Protection of Privacy Act, 1987*.

Disclosure of personal information

(2) Despite section 42 of the *Freedom of Information and Protection of Privacy Act, 1987*, the Ministry may disclose any personal information in its custody or under its control to an employee of,

(a) an agency of the Ministry;

(b) the Ministry of Consumer and Commercial Relations; or

(c) an agency of the Ministry of Consumer and Commercial Relations,

who requires the information in the performance of his or her duties and where disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Idem

1987, c. 25

(3) Despite section 42 of the *Freedom of Information and Protection of Privacy Act, 1987*, an agency of the Ministry may disclose any personal information in its custody or under its control to an employee of,

(a) the Ministry;

(b) any other agency of the Ministry;

(c) the Ministry of Consumer and Commercial Relations; or

a) d'une part, créée en vertu de la présente loi ou de toute autre loi dont l'application relève du ministre;

b) d'autre part, désignée comme institution dans les règlements pris en application de la *Loi de 1987 sur l'accès à l'information et la protection de la vie privée*. 1987, chap. 25

«organisme du ministère de la Consommation et du Commerce» S'entend d'une entité, autre que la Commission d'appel des enregistrements commerciaux, qui est : «agency of the Ministry of Consumer and Commercial Relations»

a) d'une part, créée en vertu d'une loi dont l'application relève du ministre de la Consommation et du Commerce;

b) d'autre part, désignée comme institution dans les règlements pris en application de la *Loi de 1987 sur l'accès à l'information et la protection de la vie privée*.

«renseignements personnels» S'entend au sens de la *Loi de 1987 sur l'accès à l'information et la protection de la vie privée*. «personal information»

(2) Malgré l'article 42 de la *Loi de 1987 sur l'accès à l'information et la protection de la vie privée*, le ministère peut divulguer les renseignements personnels dont il a la garde ou le contrôle à l'employé : Divulgation de renseignements personnels

a) d'un organisme du ministère;

b) du ministère de la Consommation et du Commerce;

c) d'un organisme du ministère de la Consommation et du Commerce,

qui exige ces renseignements dans l'exercice de ses fonctions, si cette divulgation est nécessaire à l'application de la présente loi ou de toute autre loi dont l'application relève du ministre et des règlements pris en application de celle-ci.

(3) Malgré l'article 42 de la *Loi de 1987 sur l'accès à l'information et la protection de la vie privée*, l'organisme du ministère peut divulguer les renseignements personnels dont il a la garde ou le contrôle à l'employé : Idem 1987, chap. 25

a) du ministère;

b) d'un autre organisme du ministère;

c) du ministère de la Consommation et du Commerce;

(d) an agency of the Ministry of Consumer and Commercial Relations,

who requires the information in the performance of his or her duties and where disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Disclosure to R.I.B.O.

(4) The Ministry or an agency of the Ministry may disclose any personal information in its custody or under its control to an employee of the Registered Insurance Brokers of Ontario if,

(a) the personal information is reasonably required to verify the truth of the contents of an application for a certificate of registration or an application for renewal of a certificate of registration as an insurance broker under the *Registered Insurance Brokers Act*, or to verify the truth of any other information supplied in support of any such application; or

R.S.O. 1980, c. 444

(b) the Ministry or agency of the Ministry has reasonable grounds to believe that the personal information is relevant to a person's qualification to hold a certificate of registration as an insurance broker under the *Registered Insurance Brokers Act*.

Consent required for further disclosure

(5) No person shall disclose personal information obtained under subsection (4) unless the person to whom the information relates has identified that information in particular and consented to its disclosure.

Exception

(6) Despite subsection (5), personal information obtained under subsection (4) may be disclosed in a notice required to be given or at a hearing required to be held under the *Registered Insurance Brokers Act*.

Offence

(7) Every person who wilfully contravenes subsection (5) is guilty of an offence and on conviction is liable to a fine not exceeding $5,000.

Seal

17.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

d) d'un organisme du ministère de la Consommation et du Commerce,

qui exige ces renseignements dans l'exercice de ses fonctions si cette divulgation est nécessaire à l'application de la présente loi ou de toute autre loi dont l'application relève du ministre et des règlements pris en application de celle-ci.

Divulgation à la R.I.B.O.

(4) Le ministère ou un organisme du ministère peut divulguer des renseignements personnels dont il a la garde ou le contrôle à un employé de la *Registered Insurance Brokers of Ontario* dans l'un des cas suivants :

a) ces renseignements personnels sont suffisamment nécessaires pour vérifier la véracité du contenu d'une demande de certificat d'inscription ou d'une demande de renouvellement d'inscription comme courtier d'assurances en vertu de la *Loi sur les courtiers d'assurances inscrits*, ou pour vérifier la véracité de tout autre renseignement fourni à l'appui d'une telle demande; L.R.O. 1980, chap. 444

b) le ministère ou l'organisme du ministère a des motifs raisonnables de croire que ces renseignements personnels sont pertinents pour établir si une personne possède les qualités requises pour détenir un certificat d'inscription comme courtier d'assurances en vertu de la *Loi sur les courtiers d'assurances inscrits*.

Nécessité du consentement pour une divulgation ultérieure

(5) Nul ne doit divulguer des renseignements personnels obtenus en vertu du paragraphe (4), à moins que la personne concernée par ces renseignements ne les ait identifiés spécifiquement et n'ait consenti à leur divulgation.

Exception

(6) Malgré le paragraphe (5), des renseignements personnels obtenus en vertu du paragraphe (4) peuvent être divulgués dans un avis qui doit être donné ou à une audience qui doit être tenue en vertu de la *Loi sur les courtiers d'assurances inscrits*.

Infraction

(7) Quiconque contrevient sciemment au paragraphe (5) est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 5 000 $.

Sceau

17 (1) Le lieutenant-gouverneur en conseil peut autoriser le ministère à avoir un sceau.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed.

References to Minister and Ministry

18.—(1) Except where the context otherwise requires, in any Act administered by the Minister or in any regulation, order in council, ministerial order or other document, act or thing made or done under any such Act, a reference to the Minister or Deputy Minister of Consumer and Commercial Relations shall be deemed to be a reference to the Minister or Deputy Minister of Financial Institutions, so long as the Minister of Financial Institutions administers such Act or provision, and a reference therein to the Ministry of Consumer and Commercial Relations shall be deemed to be a reference to the Ministry of Financial Institutions.

Saving

R.S.O. 1980, c. 274

(2) Nothing in this Act invalidates any regulation, order in council, ministerial order, act or thing made or done under the *Ministry of Consumer and Commercial Relations Act* or under any other Act for which the Minister of Consumer and Commercial Relations was responsible before this Act received Royal Assent.

19. Subsection 142 (2) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is repealed.

20. Section 6 of the *Deposits Regulation Act*, being chapter 116 of the Revised Statutes of Ontario, 1980, is repealed.

21.—(1) Clause 1 (e) of the *Ministry of Consumer and Commercial Relations Act*, being chapter 274 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(e) "Registrar" means the Registrar under an Act administered by the Minister.

(2) Paragraphs 3, 4, 5, 6, 7, 8, 9, 11 and 13 of section 4 of the said Act are repealed.

(3) The said Act is amended by adding thereto the following section:

Definitions

16.—(1) In this section,

"agency of the Ministry" means a body, other than The Commercial Registration Appeal Tribunal, that is,

(2) Le sceau peut être gravé, lithographié, imprimé ou reproduit par un autre moyen mécanique. Il a alors la même valeur que s'il était apposé manuellement. Idem

18 (1) Sauf si le contexte exige une interprétation contraire, dans une loi dont l'application relève du ministre ou dans un règlement, un décret, un arrêté ministériel ou un autre document, acte ou chose pris ou fait en application de cette loi, une mention du ministre ou du sous-ministre de la Consommation et du Commerce est réputée une mention du ministre ou du sous-ministre des Institutions financières, tant que l'application de cette loi ou disposition relève du ministre des Institutions financières. De même, une mention du ministère de la Consommation et du Commerce est réputée une mention du ministère des Institutions financières. Mention du ministre et du ministère

(2) Aucune disposition de la présente loi n'a pour effet d'invalider un règlement, un arrêté ministériel, un acte ou une chose pris ou fait en application de la *Loi sur le ministère de la Consommation et du Commerce* ou en vertu d'une autre loi dont l'application relevait du ministre de la Consommation et du Commerce avant que la présente loi ne reçoive la sanction royale. Exception

L.R.O. 1980, chap. 274

19 Le paragraphe 142 (2) de la *Loi sur les coopératives*, qui constitue le chapitre 91 des Lois refondues de l'Ontario de 1980, est abrogé.

20 L'article 6 de la *Loi sur les dépositaires d'argent*, qui constitue le chapitre 116 des Lois refondues de l'Ontario de 1980, est abrogé.

21 (1) L'alinéa 1 (e) de la *Loi sur le ministère de la Consommation et du Commerce*, qui constitue le chapitre 274 des Lois refondues de l'Ontario de 1980, est abrogé et remplacé par ce qui suit :

(e) "Registrar" means the Registrar under an Act administered by the Minister.*

(2) Les dispositions 3, 4, 5, 6, 7, 8, 9, 11 et 13 de l'article 4 de la loi sont abrogées.

(3) La loi est modifiée par adjonction de l'article suivant :

16 (1) In this section, Definitions

"agency of the Ministry" means a body, other than The Commercial Registration Appeal Tribunal, that is,

(a) constituted under this Act or any other Act administered by the Minister, and

(b) designated as an institution in the regulations made under the *Freedom of Information and Protection of Privacy Act, 1987*;

1987, c. 25

"agency of the Ministry of Financial Institutions" means a body that is,

(a) constituted under an Act administered by the Minister of Financial Institutions, and

(b) designated as an institution in the regulations made under the *Freedom of Information and Protection of Privacy Act, 1987*;

"personal information" means personal information as defined in the *Freedom of Information and Protection of Privacy Act, 1987*.

Disclosure of personal information

(2) Despite section 42 of the *Freedom of Information and Protection of Privacy Act, 1987*, the Ministry may disclose any personal information in its custody or under its control to an employee of,

(a) an agency of the Ministry;

(b) the Ministry of Financial Institutions; or

(c) an agency of the Ministry of Financial Institutions,

who requires the information in the performance of his or her duties and where disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Idem

(3) Despite section 42 of the *Freedom of Information and Protection of Privacy Act, 1987*, an agency of the Ministry may disclose any personal information in its custody or under its control to an employee of,

(a) the Ministry;

(b) any other agency of the Ministry;

(c) the Ministry of Financial Institutions; or

(d) an agency of the Ministry of Financial Institutions,

(a) constituted under this Act or any other Act administered by the Minister, and

(b) designated as an institution in the regulations made under the *Freedom of Information and Protection of Privacy Act, 1987*; 1987, c. 25

"agency of the Ministry of Financial Institutions" means a body that is,

(a) constituted under an Act administered by the Minister of Financial Institutions, and

(b) designated as an institution in the regulations made under the *Freedom of Information and Protection of Privacy Act, 1987*;

"personal information" means personal information as defined in the *Freedom of Information and Protection of Privacy Act, 1987*.

Disclosure of personal information

(2) Despite section 42 of the *Freedom of Information and Protection of Privacy Act, 1987*, the Ministry may disclose any personal information in its custody or under its control to an employee of,

(a) an agency of the Ministry;

(b) the Ministry of Financial Institutions; or

(c) an agency of the Ministry of Financial Institutions,

who requires the information in the performance of his or her duties and where disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Idem

(3) Despite section 42 of the *Freedom of Information and Protection of Privacy Act, 1987*, an agency of the Ministry may disclose any personal information in its custody or under its control to an employee of,

(a) the Ministry;

(b) any other agency of the Ministry;

(c) the Ministry of Financial Institutions; or

(d) an agency of the Ministry of Financial Institutions,

who requires the information in the performance of his or her duties and where disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Disclosure to R.I.B.O.

(4) The Ministry or an agency of the Ministry may disclose any personal information in its custody or under its control to an employee of the Registered Insurance Brokers of Ontario if,

(a) the personal information is reasonably required to verify the truth of the contents of an application for a certificate of registration or an application for renewal of a certificate of registration as an insurance broker under the *Registered Insurance Brokers Act*, or to verify the truth of any other information supplied in support of any such application; or

R.S.O. 1980, c. 444

(b) the Ministry or agency of the Ministry has reasonable grounds to believe that the personal information is relevant to a person's qualification to hold a certificate of registration as an insurance broker under the *Registered Insurance Brokers Act*.

Consent required for further disclosure

(5) No person shall disclose personal information obtained under subsection (4) unless the person to whom the information relates has identified that information in particular and consented to its disclosure.

Exception

(6) Despite subsection (5), personal information obtained under subsection (4) may be disclosed in a notice required to be given or at a hearing required to be held under the *Registered Insurance Brokers Act*.

Offence

(7) Every person who wilfully contravenes subsection (5) is guilty of an offence and on conviction is liable to a fine not exceeding $5,000.

22.—(1) Clause 1 (1) (b) of the *Mortgage Brokers Act*, being chapter 295 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 3 (2) of the said Act is amended by striking out "under the supervision of the Director" in the third line.

(3) Sections 24, 26, 30, 31 and 32 of the said Act are amended by striking out "Director" wherever that word occurs and inserting in lieu thereof in each instance "Registrar".

who requires the information in the performance of his or her duties and where disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Disclosure to R.I.B.O.

(4) The Ministry or an agency of the Ministry may disclose any personal information in its custody or under its control to an employee of the Registered Insurance Brokers of Ontario if,

(a) the personal information is reasonably required to verify the truth of the contents of an application for a certificate of registration or an application for renewal of a certificate of registration as an insurance broker under the *Registered Insurance Brokers Act*, or to verify the truth of any other information supplied in support of any such application; or

R.S.O. 1980, c. 444

(b) the Ministry or agency of the Ministry has reasonable grounds to believe that the personal information is relevant to a person's qualification to hold a certificate of registration as an insurance broker under the *Registered Insurance Brokers Act*.

Consent required for further disclosure

(5) No person shall disclose personal information obtained under subsection (4) unless the person to whom the information relates has identified that information in particular and consented to its disclosure.

Exception

(6) Despite subsection (5), personal information obtained under subsection (4) may be disclosed in a notice required to be given or at a hearing required to be held under the *Registered Insurance Brokers Act*.

Offence

(7) Every person who wilfully contravenes subsection (5) is guilty of an offence and on conviction is liable to a fine not exceeding $5,000.*

22 (1) L'alinéa 1 (1) (b) de la *Loi sur les courtiers en hypothèques*, qui constitue le chapitre 295 des Lois refondues de l'Ontario de 1980, est abrogé.

(2) Le paragraphe 3 (2) de la loi est modifié par suppression des mots «under the supervision of the Director» à la troisième ligne.

(3) Les articles 24, 26, 30, 31 et 32 de la loi sont modifiés par substitution, à «Director» partout où ce mot apparaît, du mot «Registrar».

(4) Subsection 27 (3) of the said Act is amended by striking out "with the approval of the Director" in the second line.

23.—(1) Clause 26 (1) (a) of the *Registered Insurance Brokers Act*, being chapter 444 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) as may be required in connection with the administration of this Act or any Act administered by the Minister or the Minister of Consumer and Commercial Relations; or

. . . . .

(2) Subsection 26 (1) of the said Act is amended by adding "or" at the end of clause (c) and by adding thereto the following clauses:

(d) to a peace officer for law enforcement purposes; or

(e) to a victim of conduct that the person disclosing the information reasonably believes is unlawful under any Act administered by the Minister or the Minister of Consumer and Commercial Relations, or to a person likely to become such a victim if the disclosure is not made, where the disclosure is reasonably necessary for the protection of the victim or potential victim.

Commencement

24.—(1) This Act, except clause 9 (1) (d), shall be deemed to have come into force on the 1st day of April, 1986.

Idem

(2) Clause 9 (1) (d) shall be deemed to have come into force on the 5th day of April, 1988 and clause 9 (1) (e) shall be deemed to have been repealed on that day.

Short title

25. The short title of this Act is the *Ministry of Financial Institutions Act, 1988*.

(4) Le paragraphe 27 (3) de la loi est modifié par suppression des mots «with the approval of the Director» à la deuxième ligne.

23 (1) **L'alinéa 26 (1) (a) de la *Loi sur l'inscription des courtiers d'assurances*, qui constitue le chapitre 444 des Lois refondues de l'Ontario de 1980, est abrogé et remplacé par ce qui suit :**

(a) as may be required in connection with the administration of this Act or any Act administered by the Minister or the Minister of Consumer and Commercial Relations; or*

. . . . .

(2) Le paragraphe 26 (1) de la loi est modifié par adjonction du mot «or» à la fin de l'alinéa (c) et par adjonction des alinéas suivants :

(d) to a peace officer for law enforcement purposes; or

(e) to a victim of conduct that the person disclosing the information reasonably believes is unlawful under any Act administered by the Minister or the Minister of Consumer and Commercial Relations, or to a person likely to become such a victim if the disclosure is not made, where the disclosure is reasonably necessary for the protection of the victim or potential victim.*

24 (1) La présente loi, à l'exception de l'alinéa 9 (1) d), est réputée être entrée en vigueur le 1er avril 1986. Entrée en vigueur

(2) L'alinéa 9 (1) d) est réputé être entré en vigueur le 5 avril 1988 et l'alinéa 9 (1) e) est réputé avoir été abrogé ce même jour. Idem

25 Le titre abrégé de la présente loi est *Loi de 1988 sur le ministère des Institutions financières*. Titre abrégé

*Les lois modifiées n'ayant été promulguées qu'en anglais, il n'existe pas de texte français exigeant une modification législative.

Because the amended statutes were enacted only in English, there is no French text to amend.

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1ST SESSION, 34TH LEGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Bill 164

An Act to amend the Change of Name Act, 1986

Mr. Fleet

1st Reading June 22nd, 1988
2nd Reading
3rd Reading
Royal Assent

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1re SESSION, 34e LÉGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Projet de loi 164

Loi portant modification de la Loi de 1986 sur le changement de nom

M. Fleet

1re lecture 22 juin 1988
2e lecture
3e lecture
sanction royale

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

EXPLANATORY NOTE

The Act provides that when a spouse whose birth was registered in Ontario changes his or her surname as a result of marriage, his or her birth certificate is to be changed accordingly. The purpose of the Bill is to repeal that provision.

NOTE EXPLICATIVE

La loi prévoit que lorsqu'un conjoint dont la naissance a été enregistrée en Ontario change son nom de famille par suite d'un mariage, son certificat de naissance doit être modifié en conséquence. L'objet du projet de loi est d'abroger cette disposition.

Bill 164 1988

An Act to amend the Change of Name Act, 1986

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 2 (1) (a) of the *Change of Name Act, 1986*, being chapter 7, is repealed and the following substituted therefor:

(a) a person whose birth is registered in Ontario is entitled to be recognized by,

(i) the name appearing on the person's change of name certificate, if the person's name has been changed under section 3 of this Act, or

(ii) in all other cases, the name appearing on the person's birth certificate or change of name certificate,

unless clause (c) applies.

2. Subsection 3 (4) of the said Act is repealed and the following substituted therefor:

Certificate

(4) On receiving the fee and documents, the Registrar General shall register the change of name and issue a change of name certificate to the person.

3. Section 9 of the said Act is amended by striking out "new birth certificate" in the sixth line and inserting in lieu thereof "birth certificate showing the new name".

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Change of Name Amendment Act, 1988*.

Projet de loi 164 1988

Loi portant modification de la Loi de 1986 sur le changement de nom

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 L'alinéa 2 (1) a) de la *Loi de 1986 sur le changement de nom*, qui constitue le chapitre 7, est abrogé et remplacé par ce qui suit :

a) la personne dont la naissance a été enregistrée en Ontario a le droit d'être connue :

(i) sous le nom qui figure dans son certificat de changement de nom, si le nom de la personne a été changé en vertu de l'article 3 de la présente loi,

(ii) sous le nom qui figure dans son certificat de naissance ou de changement de nom, dans tous les autres cas,

à moins que l'alinéa c) ne s'applique.

2 Le paragraphe 3 (4) de cette loi est abrogé et remplacé par ce qui suit :

(4) Lorsqu'il reçoit les droits et les documents, le registraire général enregistre le changement de nom et délivre à la personne un certificat de changement de nom. Certificat

3 L'article 9 de cette loi est modifié par substitution, aux mots «nouveau certificat de naissance» à la quatrième ligne, des mots «certificat de naissance dans lequel figure le nouveau nom».

4 La présente loi entre en vigueur le jour où elle reçoit la sanction royale. Entrée en vigueur

5 Le titre abrégé de la présente loi est *Loi de 1988 modifiant la Loi sur le changement de nom*. Titre abrégé

Bill 165 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 165

An Act to amend the Highway Traffic Act

Mr. Philip

1st Reading June 22nd, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The Bill exempts from the requirement for wearing a helmet while riding on a motorcycle or motor assisted bicycle those persons who choose not to wear a helmet for religious reasons and consent to assume the risk of not wearing a helmet.

Bill 165 1988

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 88 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 63, section 19, is further amended by adding thereto the following subsections:

(1b) Subsection (1) does not apply to a person who chooses not to wear a helmet for religious reasons and consents to assume the risk of not wearing a helmet. Exception

(1c) Subsection (1a) does not apply in respect of a passenger who chooses not to wear a helmet for religious reasons and consents to assume the risk of not wearing a helmet. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Highway Traffic Amendment Act, 1988*. Short title

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-B56

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 166

An Act to amend the Human Rights Code, 1981

Mr. Philip

1st Reading June 22nd, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to ensure that persons are not discriminated against on the basis of religion when, because of their religious observance, they refuse to co-operate with a health or safety requirement that exists solely for their own protection.

Bill 166 1988

An Act to amend the Human Rights Code, 1981

1. **Section 10 of the *Human Rights Code, 1981*, being chapter 53, as re-enacted by the Statutes of Ontario, 1986, chapter 64, section 18, is amended by adding thereto the following subsection:**

(4) A requirement, qualification or factor is not reasonable and *bona fide* in the circumstances if, Idem

(a) it results in the exclusion or restriction of a group of persons on the basis of religion;

(b) it exists because of concern for the health or safety of the person excluded or restricted; and

(c) the person understands the health and safety concern and for religious reasons consents to assume the risk.

2. **This Act comes into force on the day it receives Royal Assent.** Commencement

3. **The short title of this Act is the *Human Rights Code Amendment Act, 1988*.** Short title

1st SESSION, 34th LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 167

An Act to revise the Wine Content Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations



1st Reading June 27th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to replace the *Wine Content Act*. A winery that complies with regulations regulating the use of imported grapes and grape product in the manufacture of wine is exempt from the *Liquor Licence Act* and *Liquor Control Act* in respect of the sale of wine made from imported grapes or grape product. The new Act, on its face, is repealed on the 31st day of December, 2000.

Bill 167 1988

An Act to revise the Wine Content Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"grape must" means grapes that have been destemmed and crushed leaving grape skins, pulp and seeds;

"grape product" means grape concentrate, grape juice, grape must or wine;

"regulations" means regulations made under this Act;

"winery" means a manufacturer of Ontario wine licensed under the *Liquor Licence Act*. R.S.O. 1980, c. 244

2. Despite the *Liquor Licence Act* and the *Liquor Control Act*, a winery that purchases its quota of Ontario grapes as required by a regulation made under clause 3 (1) (a) and that complies with the other regulations made under section 3 may, Permission to keep and sell wine R.S.O. 1980, c. 243

(a) sell wine manufactured using imported grapes or grape product to the Liquor Control Board of Ontario; and

(b) keep for sale and sell wine manufactured using imported grapes or grape product under the supervision and control of the Liquor Control Board of Ontario.

3.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(a) requiring that wineries purchase a quota of Ontario grapes each year;

(b) prescribing how the quota will be determined and designating and authorizing a body to make that determination;

(c) prescribing the varieties of Ontario grapes that must be purchased for purposes of the quota;

(d) prescribing conditions under which wineries may use imported grapes or grape product in the manufacture of wine;

(e) prescribing documents and information wineries must submit to the Liquor Control Board of Ontario;

(f) requiring any prescribed documents and information to be submitted to the Liquor Control Board of Ontario and prescribing the time periods for the submission;

(g) prescribing classes of wine and the standards to be met for the prescribed classes.

Idem (2) Any regulation made under subsection (1) may be of particular or general application.

Offence **4.**—(1) Every person who knowingly furnishes false information in any document or return submitted pursuant to the regulations is guilty of an offence.

Idem (2) Every director or officer of a corporation that submitted false information pursuant to the regulations who knew that false information was provided and permitted that information to be submitted is guilty of an offence.

Limitation (3) No proceeding to prosecute under subsection (1) or (2) shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Liquor Control Board of Ontario.

Penalty (4) Every individual who is convicted of an offence under this section is liable to a fine of not more than $10,000.

Idem (5) Every corporation that is convicted of an offence under this section is liable to a fine of not more than $25,000.

Application of R.S.O. 1980, c. 244 (6) A conviction under this section shall be deemed to be a reason for which the Liquor Licence Board of Ontario may suspend or revoke a licence under subsection 10 (2) of the *Liquor Licence Act*.

5. This Act is repealed on the 31st day of December, 2000. Repeal

6. The *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, the *Wine Content Amendment Act, 1984*, being chapter 2, the *Wine Content Amendment Act, 1986*, being chapter 32 and the *Wine Content Amendment Act, 1987*, being chapter 24, are repealed. Repeals

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

8. The short title of this Act is the *Wine Content Act, 1988*. Short title

1st SESSION, 34th LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 167

(Chapter 57
Statutes of Ontario, 1988)

An Act to revise the Wine Content Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations

1st Reading	June 27th, 1988
2nd Reading	June 29th, 1988
3rd Reading	June 29th, 1988
Royal Assent	June 29th, 1988

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Bill 167 1988

An Act to revise the Wine Content Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"grape must" means grapes that have been destemmed and crushed leaving grape skins, pulp and seeds;

"grape product" means grape concentrate, grape juice, grape must or wine;

"regulations" means regulations made under this Act;

"winery" means a manufacturer of Ontario wine licensed under the *Liquor Licence Act*. R.S.O. 1980, c. 244

2. Despite the *Liquor Licence Act* and the *Liquor Control Act*, a winery that purchases its quota of Ontario grapes as required by a regulation made under clause 3 (1) (a) and that complies with the other regulations made under section 3 may, Permission to keep and sell wine R.S.O. 1980, c. 243

(a) sell wine manufactured using imported grapes or grape product to the Liquor Control Board of Ontario; and

(b) keep for sale and sell wine manufactured using imported grapes or grape product under the supervision and control of the Liquor Control Board of Ontario.

3.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(a) requiring that wineries purchase a quota of Ontario grapes each year;

(b) prescribing how the quota will be determined and designating and authorizing a body to make that determination;

(c) prescribing the varieties of Ontario grapes that must be purchased for purposes of the quota;

(d) prescribing conditions under which wineries may use imported grapes or grape product in the manufacture of wine;

(e) prescribing documents and information wineries must submit to the Liquor Control Board of Ontario;

(f) requiring any prescribed documents and information to be submitted to the Liquor Control Board of Ontario and prescribing the time periods for the submission;

(g) prescribing classes of wine and the standards to be met for the prescribed classes.

Idem (2) Any regulation made under subsection (1) may be of particular or general application.

Offence **4.**—(1) Every person who knowingly furnishes false information in any document or return submitted pursuant to the regulations is guilty of an offence.

Idem (2) Every director or officer of a corporation that submitted false information pursuant to the regulations who knew that false information was provided and permitted that information to be submitted is guilty of an offence.

Limitation (3) No proceeding to prosecute under subsection (1) or (2) shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Liquor Control Board of Ontario.

Penalty (4) Every individual who is convicted of an offence under this section is liable to a fine of not more than $10,000.

Idem (5) Every corporation that is convicted of an offence under this section is liable to a fine of not more than $25,000.

Application of R.S.O. 1980, c. 244 (6) A conviction under this section shall be deemed to be a reason for which the Liquor Licence Board of Ontario may suspend or revoke a licence under subsection 10 (2) of the *Liquor Licence Act*.

Repeal

5. This Act is repealed on the 31st day of December, 2000.

Repeals

6. The *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, the *Wine Content Amendment Act, 1984*, being chapter 2, the *Wine Content Amendment Act, 1986*, being chapter 32 and the *Wine Content Amendment Act, 1987*, being chapter 24, are repealed.

Commencement

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. The short title of this Act is the *Wine Content Act, 1988*.

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Bill 168

An Act to amend the Power Corporation Act

The Hon. R. Wong
Minister of Energy



1st Reading June 27th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The Lieutenant Governor in Council may make regulations authorizing the Corporation to participate in economic development programs in respect of specific regions of the Province.

The Corporation is allowed to supply power to customers outside Canada only if that supply is surplus to the reasonably foreseeable power requirements of Ontario customers and other customers in Canada. The price for supplying power to customers outside Canada is required to be enough to recover the appropriate share of costs and more than the price charged to customers in Canada for equivalent service.

The Board is required to ensure that the requirements for power of Ontario customers and other customers in Canada are met before meeting the requirements for power of customers outside Canada.

All of these provisions are made to apply despite the trade agreement entered into between the governments of Canada and the United States of America.

Bill 168 1988

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

21a. Notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement, the Lieutenant Governor in Council may by regulation, Regulations

(a) authorize the Corporation to participate in one or more government programs relating to economic development and named in the regulation; and

(b) prescribe the region or regions to which that authority extends, the manner in which that authority shall be exercised and the conditions to which that authority is subject.

2. Section 69 of the said Act is amended by adding thereto the following subsections:

(1a) The Corporation may exercise the discretion under subsection (1) in respect of a proposed contract for supplying power outside Canada only if, Restriction

(a) that supply of power is surplus to the reasonably foreseeable power requirements of Ontario and other customers in Canada; and

(b) the price to be charged for that supply of power will recover the appropriate share of the costs incurred in Ontario and be more than the price charged to customers in Canada for equivalent service.

Idem

(1b) The Board shall ensure that the requirements for power of Ontario customers and any requirements for power under contracts with other customers in Canada are met before meeting the requirements for power of any customer outside Canada.

Idem

(1c) Subsections (1a) and (1b) apply notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement.

Commencement

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Power Corporation Amendment Act, 1988*.

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Bill 169 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 169

An Act to amend the District Municipality of Muskoka Act

The Hon. J. Eakins
Minister of Municipal Affairs



1st Reading June 27th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

Section 51 of the *District Municipality of Muskoka Act* now reads as follows:

51. No area municipality shall exercise any power with respect to the preparation and lodging of official plans under Part III of the Planning Act, 1983.

Under the Act, the responsibility for the preparation and adoption of an official plan for the District Area is vested in the District Council. The effect of the re-enactment of section 51 is to vest in each area municipality responsibility for its own official plan; those parts of the District Area official plan that now apply specifically to an area municipality will become that municipality's official plan.

The District Area official plan, except for the amendments thereto that apply specifically to an area municipality, continues as the official plan for the Area. Amendments to the District Area official plan in process when the re-enacted section 51 comes into force will continue to be dealt with, and when approved, will be allocated, if appropriate, to one or more of the area municipalities' official plans.

Bill 169 **1988**

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 12, is repealed and the following substituted therefor:

51.—(1) In this section, "District Plan" means the official plan of the District Area. Interpretation

(2) Amendments numbered 34, 41, 55, 56 and 63 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Bracebridge, become the official plan of the Town of Bracebridge. Official plan, Town of Bracebridge

(3) Amendment numbered 15 to the District Plan is hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Georgian Bay, become the official plan of the Township of Georgian Bay. Official plan, Township of Georgian Bay

(4) Amendment numbered 13 as approved and amendments numbered 8, 10, 18, 22, 36, 53, 54, 60 and 67 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Gravenhurst, become the official plan of the Town of Gravenhurst. Official plan, Town of Gravenhurst

(5) Amendment numbered 58 as approved and amendments numbered 1, 9, 14, 21, 23, 24, 25, 26, 30, 32, 33, 39, 42, 44, 45 and 66 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Official plan, Town of Huntsville

Huntsville, become the official plan of the Town of Huntsville.

Official plan, Township of Lake of Bays

(6) Amendments numbered 3, 11, 20, 23 and 28 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Lake of Bays, become the official plan of the Township of Lake of Bays.

Official plan, Township of Muskoka Lakes

(7) Amendments numbered 2, 12, 19 and 40 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan as they apply to the Township of Muskoka Lakes, become the official plan of the Township of Muskoka Lakes.

District Plan

(8) Amendments numbered 27 and 47 to the District Plan continue to form part of the District Plan while also becoming part of the official plans of each of the area municipalities as provided for in subsections (2) to (7).

Processing of District Plan amendments

(9) Where an amendment to the District Plan has been submitted to the Minister for approval and the amendment or a part thereof is not approved before the coming into force of this section, the Minister or the Municipal Board, on a referral thereto, may, without any further requirement, continue to deal with the amendment or the part thereof under the *Planning Act, 1983* and in so doing, may allocate the amendment or the part thereof to form part of such official plan as is considered appropriate.

1983, c. 1

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1988*.

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Government Publication

Bill 169

An Act to amend the District Municipality of Muskoka Act

The Hon. J. Eakins
Minister of Municipal Affairs

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MAR 8 1989
University of Toronto

1st Reading June 27th, 1988
2nd Reading February 21st, 1989
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

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EXPLANATORY NOTES

Section 51 of the *District Municipality of Muskoka Act* now reads as follows:

51. No area municipality shall exercise any power with respect to the preparation and lodging of official plans under Part III of the Planning Act, 1983.

Under the Act, the responsibility for the preparation and adoption of an official plan for the District Area is vested in the District Council. The effect of the re-enactment of section 51 is to vest in each area municipality responsibility for its own official plan; those parts of the District Area official plan that now apply specifically to an area municipality will become that municipality's official plan.

The District Area official plan, except for the amendments thereto that apply specifically to an area municipality, continues as the official plan for the Area. Amendments to the District Area official plan in process when the re-enacted section 51 comes into force will continue to be dealt with, and when approved, will be allocated, if appropriate, to one or more of the area municipalities' official plans.

Bill 169 1988

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 12, is repealed and the following substituted therefor:

51.—(1) In this section, "District Plan" means the official plan of the District Area. Interpretation

(2) Amendments numbered 41, 55, 56 and 63 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Bracebridge, become the official plan of the Town of Bracebridge. Official plan, Town of Bracebridge

(3) Amendment numbered 15 to the District Plan is hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Georgian Bay, become the official plan of the Township of Georgian Bay. Official plan, Township of Georgian Bay

(4) Amendment numbered 13 as approved and amendments numbered 8, 36, 54, 60 and 67 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Gravenhurst, become the official plan of the Town of Gravenhurst. Official plan, Town of Gravenhurst

(5) Amendment numbered 58 as approved and amendments numbered 1, 14, 23, 26, 39, 45 and 66 to the District Plan are hereby removed from the District Plan and become the official plan of the Town of Huntsville. Official plan, Town of Huntsville

Official plan, Township of Lake of Bays

(6) Amendments numbered 3, 11, 20, 23 and 28 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Lake of Bays, become the official plan of the Township of Lake of Bays.

Official plan, Township of Muskoka Lakes

(7) Amendments numbered 2, 12, 19 and 40 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan as they apply to the Township of Muskoka Lakes, become the official plan of the Township of Muskoka Lakes.

District Plan

(8) Amendments numbered 27 and 47 to the District Plan continue to form part of the District Plan while also becoming part of the official plans of each of the area municipalities as provided for in subsections (2), (3), (4), (6) and (7).

Processing of District Plan amendments

(9) Where an amendment to the District Plan has been submitted to the Minister for approval and the amendment or a part thereof is not approved before the coming into force of this section, the Minister or the Municipal Board, on a referral thereto, may, without any further requirement, continue to deal with the amendment or the part thereof under the *Planning Act, 1983* and in so doing, may allocate the amendment or the part thereof to form part of such official plan as is considered appropriate.

1983, c. 1

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1989*.

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Bill 169

(Chapter 8
Statutes of Ontario, 1989)

An Act to amend the District Municipality of Muskoka Act

The Hon. J. Eakins
Minister of Municipal Affairs

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1st Reading	June 27th, 1988
2nd Reading	February 21st, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 169 **1988**

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 12, is repealed and the following substituted therefor:

Interpretation

51.—(1) In this section, "District Plan" means the official plan of the District Area.

Official plan, Town of Bracebridge

(2) Amendments numbered 41, 55, 56 and 63 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Bracebridge, become the official plan of the Town of Bracebridge.

Official plan, Township of Georgian Bay

(3) Amendment numbered 15 to the District Plan is hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Georgian Bay, become the official plan of the Township of Georgian Bay.

Official plan, Town of Gravenhurst

(4) Amendment numbered 13, as approved, and amendments numbered 8, 36, 54, 60 and 67 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Gravenhurst, become the official plan of the Town of Gravenhurst.

Official plan, Town of Huntsville

(5) Amendment numbered 58, as approved, and amendments numbered 1, 14, 23, 26, 39, 45 and 66 to the District Plan are hereby removed from the District Plan and become the official plan of the Town of Huntsville.

Official plan, Township of Lake of Bays

(6) Amendments numbered 3, 11, 20, 23 and 28 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Lake of Bays, become the official plan of the Township of Lake of Bays.

Official plan, Township of Muskoka Lakes

(7) Amendments numbered 2, 12, 19 and 40 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan as they apply to the Township of Muskoka Lakes, become the official plan of the Township of Muskoka Lakes.

District Plan

(8) Amendments numbered 27 and 47 to the District Plan continue to form part of the District Plan while also becoming part of the official plans of each of the area municipalities as provided for in subsections (2), (3), (4), (6) and (7).

Processing of District Plan amendments

(9) Where an amendment to the District Plan has been submitted to the Minister for approval and the amendment or a part thereof is not approved before the coming into force of this section, the Minister or the Municipal Board, on a referral thereto, may, without any further requirement, continue to deal with the amendment or the part thereof under the *Planning Act, 1983* and in so doing, may allocate the amendment or the part thereof to form part of such official plan as is considered appropriate.

1983, c. 1

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1989*.

Bill 170 Government Bill

1ST SESSION 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 170

An Act to revise several Acts related to Aggregate Resources

The Hon. V. Kerrio
Minister of Natural Resources

1st Reading June 27th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The Bill is the result of experience gained through administration of the *Pits and Quarries Control Act*, the *Mining Act* and the *Beach Protection Act*, from the report of the Ontario Mineral Aggregate Working Party and various representations on Bill 127 in 1980.

The new Act has four purposes:

1. To provide for the management of the aggregate resources of Ontario.
2. To control and regulate aggregate operations on Crown and private land.
3. To require the rehabilitation of land from which aggregate has been excavated.
4. To minimize adverse impact on the environment in respect of aggregate operations.

Bill 170 **1988**

An Act to revise several Acts related to Aggregate Resources

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

"aggregate" means gravel, sand, clay, earth, shale, rock other than metallic ores, stone, limestone, dolomite, sandstone, marble, granite or other prescribed material;

"Board" means the Ontario Municipal Board;

"Commissioner" means the Mining and Lands Commissioner;

"earth" does not include topsoil and peat;

"environment" means the use, condition and natural features of the site and adjacent lands;

"established pit or quarry" means a pit or quarry from which a substantial amount of aggregate has been excavated within the two-year period immediately before the part of Ontario in which the pit or quarry is located was designated under subsection 5 (2);

"excavate" includes the preparation of land for excavation and removal of hills, sand dunes, knolls, stones and rocks other than metallic ores from the general surface of the ground;

"final rehabilitation" means rehabilitation in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit performed after the excavation of aggregate and the progressive rehabilitation, if any, have been completed;

"highway" has the same meaning as in the *Public Transportation and Highway Improvement Act* and includes an unopened road allowance; R.S.O. 1980, c. 421

"inspector" means any employee of the Ministry designated in writing by the Minister as an inspector for the purposes of this Act;

"land under water" means the bed, bank, beach, shore, bar, flat or water of or in any lake, river, stream or other waterbody or adjoining any channel or entrance thereto but does not include a waterbody resulting from excavation of aggregate below the water table;

"licence" means a licence for a pit or quarry issued under this Act;

"licensee" means a person who holds a licence;

"management" means the provision for the identification, orderly development and protection of the aggregate resources of Ontario;

"Minister" means the Minister of Natural Resources;

"Ministry" means the Ministry of Natural Resources;

"operate", when used in relation to a pit or quarry, means "work" and includes all activities associated with a pit or quarry that are carried out on the site;

"permit" means an aggregate permit or a wayside permit issued under this Act;

"permittee" means a person who holds a permit;

"person" includes a public authority;

"pit" means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under subsection (3);

"prescribed" means prescribed by the regulations;

"progressive rehabilitation" means rehabilitation done sequentially in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit during the period that aggregate is being excavated;

R.S.O. 1980, c. 303

"public authority" means the Crown, a municipality, a local board as defined in the *Municipal Affairs Act* or a local roads board;

"quarry" means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under subsection (3);

"regional municipality" includes a district municipality and The Municipality of Metropolitan Toronto;

"regulations" means the regulations made under this Act;

"rehabilitate" means to treat land from which aggregate has been excavated so that the use or condition of the land,

(a) is restored to its former use or condition, or

(b) is changed to another use or condition that is or will be compatible with the use of adjacent land;

"site" means the land or land under water to which a licence or permit or an application therefor relates;

"Treasurer" means the Treasurer of Ontario and Minister of Economics;

1983, c. 1

R.S.O. 1980, c. 368

"zoning by-law" means a by-law passed under section 34 of the *Planning Act, 1983* or any predecessor thereof and includes an order made under clause 46 (1) (a) of the *Planning Act, 1983* or any predecessor thereof and a land use regulation made under subsection 4 (1) of the *Parkway Belt Planning and Development Act* or any predecessor

thereof and includes zoning control by a development permit issued under the *Niagara Escarpment Planning and Development Act*. R.S.O. 1980, c. 378, s. 1, *amended*. R.S.O. 1980, c. 316

(2) The Minister may, in his or her absolute discretion, determine in cases where doubt exists, whether an excavation site is a pit or quarry. Determination by Minister of pit or quarry in cases of doubt

(3) The Minister, if of the opinion that the primary purpose of an excavation is not for the production of aggregate, may in his or her absolute discretion by order declare that the land or land under water on which the excavation is situate is not a pit or quarry for the purposes of this Act. Order that an excavation is not a pit or quarry

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed order under subsection (3), including reasons therefor, upon the clerk of the local municipality in which the excavation is located and, where applicable, upon the clerk of the regional municipality or county, as the case may be, for their information and comment. Notice to municipality

(5) The Minister may not issue the order until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. *New*. Delay in relief

PART I

GENERAL

2. The purposes of this Act are, Purposes of Act

(a) to provide for the management of the aggregate resources of Ontario;

(b) to control and regulate aggregate operations on Crown and private lands;

(c) to require the rehabilitation of land from which aggregate has been excavated; and

(d) to minimize adverse impact on the environment in respect of aggregate operations. *New*.

3.—(1) The Minister is responsible for the administration of this Act and the regulations. Administration of Act

(2) In administering this Act, the Minister may, Idem

(a) initiate research related to technical matters pertaining to,

(i) the aggregate industry, including the transportation of aggregate and the rehabilitation of pits and quarries,

(ii) underground mining of aggregate, and

(iii) aggregate excavation from beneath water;

(b) initiate studies of geological deposits that may yield aggregate of commercial qualities and quantities;

(c) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;

(d) collect, analyze and publish statistics related to the aggregate industry;

(e) initiate studies related to the uses of aggregate and the economics and operations of the aggregate industry;

(f) advise ministries and municipalities on planning matters related to aggregate;

(g) initiate studies related to abandoned pits and quarries;

(h) initiate studies on environmental and social matters related to pits and quarries;

(i) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;

(j) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries;

(k) employ any person to perform work in connection with any matter mentioned in this Act; and

(l) consult with ministries and agencies. *New.*

Designation of inspectors

4.—(1) The Minister may designate in writing any employee of the Ministry as an inspector for the purposes of this Act. R.S.O. 1980, c. 378, s. 1 (b), *amended.*

(2) An inspector, for the purpose of carrying out assigned duties, Powers of inspectors

(a) may enter, at any reasonable time, any land, vessel or business premises that is or appears to be used or has or appears to have been used in respect of a pit or quarry or any activity or use related to aggregate or rehabilitation;

(b) may require the production of a licence, a permit, any record or document respecting aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof;

(c) may, upon giving a receipt therefor, remove any licence, permit, record or document produced under clause (b) and make copies thereof; and

(d) may, alone or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. R.S.O. 1980, c. 378, s. 13 (1), *amended*.

(3) An inspector who makes a copy under clause (2) (c) shall do so with dispatch and shall promptly return the original licence, permit, record or document. Copies

(4) Any copy made as provided in clause (2) (b) or (c) and certified to be a true copy by the inspector who carried out the inspection is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original licence, permit, record or document and its contents. *New*. Idem

5.—(1) This Act and the regulations apply to, Application

(a) all aggregate and topsoil that is the property of the Crown or that is on land the surface rights of which are the property of the Crown;

(b) private land in parts of Ontario that have been designated under the *Pits and Quarries Control Act* or a predecessor thereof; R.S.O. 1980, c. 378

(c) private land in parts of Ontario that are designated under subsection (2); and

(d) all land under water. *New*.

Designation of parts

(2) The Lieutenant Governor in Council may make regulations designating parts of Ontario for the purpose of clause (1) (c). R.S.O. 1980, c. 378, s. 2, *amended*.

Redesignation of designated parts

(3) The Lieutenant Governor in Council may make regulations redesignating the parts of Ontario that have been designated under the *Pits and Quarries Control Act* or a predecessor thereof. *New*.

Act binds the Crown

6. This Act binds the Crown except where it specifically states otherwise. *New*.

PART II

LICENCES

Licences required

7.—(1) No person shall, in a part of Ontario designated under section 5, operate a pit or quarry on land that is not land under water and the surface rights of which are not the property of the Crown except under the authority of and in accordance with a licence.

Application for licence

(2) Any person may apply to the Minister, on a form provided by the Minister,

(a) for a Class A licence to excavate annually more than 20,000 tonnes of aggregate from a pit or quarry; or

(b) for a Class B licence to excavate annually 20,000 tonnes or less of aggregate from a pit or quarry.

Idem

(3) Every application for a licence must be accompanied by,

(a) ten copies of the site plan referred to in section 8;

(b) if the application is for a Class A licence, ten copies of the report referred to in section 9;

(c) the information referred to in section 10; and

(d) the prescribed application fee. R.S.O. 1980, c. 378, s. 4, *amended*.

Copies

(4) The number of copies of a site plan or of a report that are required to be submitted under subsection (3) may be varied, in specific situations, by the Minister.

(5) The Minister may require an applicant for a licence to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. *New.* Additional information

8.—(1) The site plan accompanying an application for a Class A licence must show, Site plans for licences

(a) a key map showing the location of the site;

(b) a general description of the site, including lot and concession lines, if any;

(c) the shape, dimensions and hectarage of the site;

(d) the use of the land and the location and the use of the buildings and other structures within 150 metres of the site of the pit or within 500 metres of the site of the quarry;

(e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;

(f) the location of the excavation setback limits;

(g) the location and type of fences;

(h) the location of tree screens and the species and types of the trees;

(i) the location, dimensions and design of earth berms;

(j) any significant natural and man made features;

(k) the location and size of existing and proposed stockpiles of aggregate, topsoil, subsoil and overburden;

(l) the topography of the site including existing and estimated final contours;

(m) every existing and proposed entrance to and exit from the site;

(n) all existing and proposed roads on the site;

(o) the water table and any existing surface water on and surrounding the site and proposed water diver-

sion, storage and drainage facilities on the site and points of discharge to surface waters;

(p) subject to available information, the location of water wells on and within 300 metres of the site;

(q) the maximum depth of excavation and whether it is intended to excavate below the water table;

(r) the sequence and direction of operation of the pit or quarry;

(s) the progressive rehabilitation and final rehabilitation plans; and

(t) any other necessary information respecting the site. R.S.O. 1980, c. 378, s. 4 (2), *amended*.

Idem (2) The information required under subsection (1) must be presented in at least three separate drawings under the headings,

(a) Existing Features;

(b) Operational Plan; and

(c) Progressive Rehabilitation and Final Rehabilitation Plans.

Idem (3) For the purpose of subsection (2), the drawings must be at a scale of 1:2000, 1:5000 or, in any particular case, at such other scale as the Minister may approve.

Site plan (4) Every site plan accompanying an application for a Class A licence must be prepared by a professional engineer who is a member of the Association of Professional Engineers of the Province of Ontario, an Ontario land surveyor who is a member of the Association of Ontario Land Surveyors, a landscape architect who is a member of the Ontario Association of Landscape Architects, or by any other qualified person approved in writing by the Minister.

Idem (5) The person who prepared a site plan must certify that the site plan was prepared by him or her. *New*.

Site plans for Class B licences (6) The site plan accompanying an application for a Class B licence must show,

(a) a key map showing the location of the site;

(b) a general description of the site, including lot and concession lines, if any;

(c) the shape, dimensions and hectarage of the site;

(d) the use of the land and the location and use of the buildings and other structures within 150 metres of the site of the pit or within 500 metres of the site of the quarry;

(e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;

(f) the location of the excavation setback limits;

(g) the location and type of fences;

(h) the location of tree screens and the species and types of the trees;

(i) the location, dimensions and design of earth berms;

(j) any significant natural and man made features;

(k) the location and size of existing and proposed stockpiles of aggregate, topsoil, subsoil and overburden;

(l) the existing and estimated final elevations of the site;

(m) every existing and proposed entrance to and exit from the site;

(n) any existing and proposed drainage facilities on the site and points of discharge to surface waters;

(o) subject to available information, the location of water wells on and within 300 metres of the site;

(p) the maximum depth of excavation and whether it is intended to excavate below the water table;

(q) the sequence and direction of operation of the pit or quarry;

(r) the progressive rehabilitation and final rehabilitation plans;

(s) the approximate scale; and

(t) any other necessary information respecting the site. R.S.O. 1980, c. 378, s. 4 (3), *amended*.

Signature

(7) Every site plan accompanying an application for a Class B licence must be in a style and manner acceptable to the Minister and must be signed by the applicant.

Plans property of the Crown

(8) Every site plan submitted with an application under this section becomes the property of the Crown upon the licence applied for being issued. *New*.

Report

9.—(1) The report accompanying an application for a Class A licence must be signed by the author and must provide information for evaluation by the Minister,

(a) as to the suitability of the progressive rehabilitation and final rehabilitation plans having regard to the adjacent lands;

(b) describing the environment that may be expected to be affected by the pit or quarry operation and any proposed remedial measures that are considered necessary;

(c) describing the social and economic effects that may be expected as a result of the pit or quarry operation;

(d) respecting the quality and quantity of the aggregate on the site;

(e) as to the main haulage routes and proposed truck traffic to and from the site;

(f) supplementing clause 8 (1) (o);

(g) describing the location and size of existing and proposed stockpiles of aggregate, topsoil and subsoil;

(h) respecting any planning and land use considerations;

(i) setting out the reasons for any conclusions in the report; and

(j) any other necessary information respecting the site.

Reports property of the Crown

(2) Every report submitted with an application under this section becomes the property of the Crown upon the licence applied for being issued. *New*.

Compliance with zoning by-laws

10.—(1) An applicant for a licence must furnish information satisfactory to the Minister showing that the location of the land described in the site plan accompanying the application complies with all relevant zoning by-laws.

Reference to court

(2) The Minister, if in doubt as to whether there is compliance with a zoning by-law, may require the applicant to refer the matter to the Divisional Court for a declaratory judgment on the matter. *New.*

Copies to municipalities

11.—(1) The Minister, upon being satisfied that an application for a licence and the documents accompanying it comply with this Act and the regulations, shall, where applicable, serve a copy of the application and accompanying documents upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment. *New.*

Notice by Minister

(2) On the day that the Minister serves a copy of an application and the accompanying documents under subsection (1), the Minister shall serve the applicant with notice that the applicant must cause notice of the application in the prescribed form to be published in two successive issues of a newspaper or newspapers having general circulation in the locality in which the site is located. R.S.O. 1980, c. 378, s. 5 (2), *amended.*

Notice of publication

(3) The applicant shall notify the Minister when the publication of the notice has been completed. *New.*

Notice of objection

(4) Any person may serve upon the Minister, within forty-five days after the second publication of the notice under subsection (2) or within such further period as the Minister may allow, a notice of objection to the issue of the licence applied for and the reasons therefor. R.S.O. 1980, c. 378, s. 5 (1), *amended.*

Idem

(5) Upon receipt of a notice under subsection (4), the Minister shall provide the applicant with a copy thereof. *New.*

Notice requiring hearing

(6) Any person who has served notice under subsection (4) may, in addition, serve upon the Minister, within the period provided under subsection (4), a notice that the person requires a hearing of the matter before the Board.

Reference to Board for a hearing

(7) Upon receipt of a notice under subsection (6) that, in the opinion of the Minister, discloses an interest in the matter that is sufficiently substantial to warrant a hearing and is not frivolous or vexatious, the Minister shall refer the application

and the objections to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (3), *amended*.

Idem

(8) The Minister may, on his or her own motion, refer an application and objections, if any, to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (4), *amended*.

What Board may consider at one hearing 1983, c. 1

(9) The Board may consider an application for an amendment to any relevant planning matter referred to it under the *Planning Act, 1983* and an application referred to it under subsection (7) or (8) at the same hearing. *New*.

Matters to be considered by Minister

12. The Minister in considering whether to issue or refuse a licence shall have regard to,

(a) the effect of the operation of the pit or quarry on the environment;

(b) the effect of the operation of the pit or quarry on nearby communities;

(c) any comments provided by the municipality in which the site is located;

(d) the suitability of the progressive rehabilitation and final rehabilitation plans for the site;

(e) any possible effects on ground and surface water resources;

(f) any possible effects of the operation of the pit or quarry on agricultural resources;

(g) any planning and land use considerations;

(h) the main haulage routes and proposed truck traffic to and from the site;

(i) the quality and quantity of the aggregate on the site;

(j) the recommendation of the Board under section 21, if such a recommendation is made; and

(k) such other matters as are considered appropriate. R.S.O. 1980, c. 378, s. 6 (1), *amended*.

Issue of licences

13.—(1) The Minister may issue a licence, subject to such conditions as the Minister considers necessary. R.S.O. 1980, c. 378, s. 6 (4), *amended*.

Changes of conditions

(2) Subject to section 20, the Minister may, at any time, add a condition to a licence or rescind or vary a condition of a licence.

No action until 30 days elapsed after notice by Minister

(3) A licensee and any municipality served with notice under clause 20 (4) (a) may provide the Minister with comments within thirty days after service of the notice and the Minister shall take no action until the thirty days have elapsed.

Exception

(4) The Minister may take the proposed action before the thirty days have elapsed if comments have been received from all persons notified and if the licensee waives the right under subsection 20 (6) to require a hearing. *New.*

Zoning by-laws

(5) The Minister may, subject to subsection 69 (3), issue a licence only if the location of the pit or quarry complies with all relevant zoning by-laws. R.S.O. 1980, c. 378, s. 6 (2), *amended.*

Copies to municipalities

(6) The Minister, on issuing a licence, shall serve a copy of it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

Annual licence fees

14.—(1) Every licensee shall pay to the Treasurer an annual licence fee, at a time specified by the Minister, in an amount equal to the application fee paid for the licence or calculated by multiplying the number of tonnes of aggregate removed from the site during the previous year by the prescribed rate per tonne, whichever is greater.

Revocation

(2) If the required licence fee is not paid, the Minister may revoke the licence.

No notice or hearing

(3) Subsections 20 (3), (5) and (6) do not apply to a licence revoked under subsection (2).

Disbursal of annual licence fees

(4) The prescribed percentage of the total of the annual licence fees collected shall be disbursed to such municipalities and in such amounts and manner as are prescribed.

Rehabilitation of abandoned pits and quarries

(5) The prescribed percentage of the total of the annual licence fees collected may be set apart for the purposes mentioned in subsection 33 (2).

Unpaid licence fees

(6) Any unpaid annual licence fee is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction. *New.*

Duties of licensees

15. Every licensee shall operate the licensee's pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the licence. R.S.O. 1980, c. 378, s. 3, s.4 (4), *part*, *amended*.

Amendment of site plans

16.—(1) Subject to section 20, the Minister may at any time require a licensee to amend the site plan. *New*.

Idem

(2) A licensee may amend the site plan at any time with the approval in writing of the Minister. R.S.O. 1980, c. 378, s. 4 (4), *part*, *amended*.

Idem

(3) The Minister may require any amended site plan to be prepared and certified by a person qualified to prepare plans referred to in subsection 8 (4).

No action until 30 days elapsed after notice by Minister

(4) A licensee and any municipality served with notice under clause 20 (4) (b) or (c) may provide the Minister with comments within thirty days after service of the notice and the Minister shall take no action until the thirty days have elapsed.

Exception

(5) The Minister may take the proposed action before the thirty days have elapsed if comments have been received from all persons notified and, in the case of a proposal to require the amendment of a site plan, if the licensee waives the right under subsection 20 (6) to require a hearing. *New*.

Inspection and review

17.—(1) For the purpose of assessing the licensee's compliance with this Act, the regulations, the site plan and the conditions of the relevant licence, the Minister, at least once a year,

(a) shall cause each site to be inspected;

(b) shall cause a review of each site plan and the conditions of each licence; and

(c) shall consider all comments provided by the municipalities in which the site is located. R.S.O. 1980, c. 378, s. 7 (1), *amended*.

Written report by inspector

(2) An inspector, upon completing an inspection of a site, shall prepare a written report that shall include a description of any practice or procedure of the licensee or any matter related to the site that, in the opinion of the inspector, is a contravention of this Act, the regulations, the site plan or the conditions of the relevant licence.

Copy of report

(3) Any person may, during normal office hours of the Ministry, examine any report made under subsection (2) and, upon a request therefor and payment of a reasonable fee, such person shall be provided with a copy of the report or extracts therefrom.

Municipal comments every four years

(4) For the purpose of each fourth review under subsection (1), the Minister shall, where applicable, request in writing that the council of the regional municipality or county, as the case may be, and the council of the local municipality in which each pit or quarry is located send to him or her, within forty-five days after receiving the request, their comments on each pit or quarry.

Idem

(5) If a copy of a site plan is served upon the Minister under subsection 69 (5), each fourth review shall be calculated from the year in which service was made upon the Minister. *New.*

Transfer of licence

18.—(1) Upon application therefor accompanied by the prescribed transfer fee, the Minister may consent to the transfer of a licence. R.S.O. 1980, c. 378, s.14, *amended.*

Transfer of rehabilitation security

(2) When a licence is transferred, any sum in the rehabilitation security account of the transferor shall be transferred to an account in the name of the transferee and the right, title and interest in that sum vest in the transferee.

Copy to municipalities

(3) When a licence is transferred, the Minister shall, where applicable, serve a copy of the licence in the name of the transferee upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Death of licensee

(4) On the death of an individual who holds a licence as a sole proprietor, the personal representative of the individual may continue to operate the pit or quarry for a period of one year as if the licence were issued to the personal representative.

Idem

(5) A personal representative who operates a pit or quarry under subsection (4) shall notify the Minister of the death of the licensee within one month thereafter. *New.*

Surrender of licence

19.—(1) Upon being satisfied that a licensee's annual licence fee and rehabilitation security, whenever payable, have been paid before the licensee applies to surrender a licence and that the rehabilitation has been performed in accordance with this Act, the regulations, the site plan and

the conditions of the licence, the Minister may accept the surrender of the licence.

Disposition of surplus rehabilitation moneys

(2) Any sum remaining in a former licensee's rehabilitation security account when the Minister accepts surrender of the licence shall be paid by the Treasurer to the former licensee. *New.*

Refusal to issue and refusal to consent to transfer of licence

20.—(1) The Minister may refuse to issue or refuse to consent to the transfer of a licence. R.S.O. 1980, c. 378, s. 6 (1), *part*, *amended.*

Revocation of licences

(2) The Minister may revoke a licence for any contravention of this Act, the regulations, the site plan or the conditions of the licence. R.S.O. 1980, c. 378, s. 7 (2), *amended.*

Notice to licensee

(3) If the Minister,

(a) refuses to issue a licence and the application has not been referred to the Board for a hearing under section 11 or 60;

(b) refuses to consent to the transfer of a licence; or

(c) revokes a licence,

he or she shall serve forthwith notice thereof, including reasons therefor, upon the applicant or licensee.

Idem

(4) If the Minister,

(a) proposes to add a condition to a licence after its issue or to rescind or vary a condition of a licence;

(b) proposes to require the amendment of a site plan; or

(c) proposes to approve the amendment of a site plan,

he or she shall serve forthwith notice thereof, including reasons therefor, upon the licensee and where, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Time of taking effect

(5) Any action of the Minister under clause (3) (a), (b) or (c) is effective as soon as the required notice is served upon the applicant or licensee and, despite the fact that the appli-

cant or licensee requires a hearing by the Board, remains effective until the Minister takes action under subsection 21 (4).

Entitlement to hearing

(6) An applicant or licensee who is served with a notice under subsection (3) or (4) is entitled to a hearing by the Board if the applicant or licensee, within thirty days after being served, serves the Minister with a notice that a hearing is required.

Hearing

(7) The Minister, if served with a notice under subsection (6), shall, within thirty days after being served, refer the matter to the Board for a hearing. R.S.O. 1980, c. 378, s. 8, *amended*.

Where no hearing

(8) If the Minister proposes an action referred to in clause (4) (a) or (b) and the applicant or licensee does not require a hearing under subsection (6), the Minister may carry out the proposal. *New*.

Hearing by Board

21.—(1) The Board shall hold a hearing on a matter referred to it under section 11, 20 or 60, and the applicant or licensee, the Minister and such other persons as the Board specifies shall be parties to the hearing.

Procedure

R.S.O. 1980, c. 347

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under the *Ontario Municipal Board Act*, except that section 94 of that Act does not apply.

Report of Board

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister setting out its findings and its recommendations as to the issue involved and shall send a copy of its report to each party to the hearing.

Decision of Minister

(4) After considering the report of the Board, the Minister may take such action as the Minister considers appropriate and shall serve notice of the decision and the reasons therefor upon the other parties to the hearing and upon any municipality served under subsection 11 (1) or subsection 20 (4), as the case may be.

Decision final

(5) The decision of the Minister is final. R.S.O. 1980, c. 378, s. 9, *amended*.

Suspension of licence

22.—(1) The Minister may suspend a licence for any period of time, not exceeding six months, for any contravention of this Act, the regulations, the site plan or the conditions of the licence, effective as soon as the notice mentioned in

subsection (2) is served upon the licensee. R.S.O. 1980, c. 378, s. 8 (4), *amended*.

Notice of suspension

(2) Notice of suspension of a licence, including the reasons therefor, shall be served upon the licensee and, where applicable, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Further particulars of notice

(3) The notice mentioned in subsection (2) shall inform the licensee of the period of the suspension, of the action the licensee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the licensee has complied with the notice to the satisfaction of the Minister, and that, if the licensee does not comply with the notice within the period of the suspension, the Minister may revoke the licence.

Revocation

(4) If a licensee whose licence has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the licence, in which case subsections 20 (3), (5) and (6) apply. *New*.

PART III

WAYSIDE PERMITS

Definition

23.—(1) In this section, "special project" means a temporary project that is of an urgent nature and for which no alternative source of aggregate under licence or permit is readily available in the vicinity.

Where licence not required

(2) Subsection 7 (1) does not apply to a public authority that has a wayside permit. *New*.

Application for permit

(3) Any public authority that has, in a part of Ontario designated under section 5, a project of road construction or road maintenance or a special project that requires aggregate from outside the limits of the right of way of a highway or any person who has a contract with a public authority for such a project may apply to the Minister, on a form provided by the Minister, for a wayside permit to operate a pit or quarry. R.S.O. 1980, c. 378, s. 12 (1), *part*, *amended*.

Road construction and maintenance

(4) For the purpose of subsection (3), a project is a project of road construction or road maintenance or a special project if the Minister considers it to be so.

Requirements for permit

(5) Every application for a wayside permit shall be accompanied by five copies of the site plan referred to in section 25.

Additional information

(6) The Minister may require an applicant for a wayside permit to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused.

Copies to municipalities

(7) The Minister, upon being satisfied that an application for a wayside permit and the documents accompanying it comply with this Act and the regulations, shall, where applicable, serve a copy of the application and accompanying documents upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

Permit fees

24.—(1) Every applicant for a wayside permit shall, before the permit is issued, pay to the Treasurer a prescribed permit fee or a permit fee as calculated by multiplying the maximum number of tonnes that the permit authorizes by the prescribed rate per tonne of aggregate, whichever is the greater.

Refund of fee

(2) If a wayside permit expires or is revoked, the permittee is entitled to a refund of any remaining balance of the permit fee calculated by multiplying the number of tonnes that the permit authorized that were not removed from the site by the prescribed rate per tonne of aggregate applicable at the date the permit was issued.

Disbursal of permit fees

(3) Subject to subsection (2), the prescribed percentage of the total of the wayside permit fees collected shall be disbursed to such municipalities and in such amounts and manner as are prescribed.

Rehabilitation of abandoned pits and quarries

(4) Subject to subsection (2), the prescribed percentage of the total of the wayside permit fees collected may be set apart for the purposes mentioned in subsection 33 (2).

Non-refundable fee

(5) Despite subsection (2), the prescribed permit fee is not refundable. *New.*

Site plans for wayside permits

25.—(1) The site plan accompanying an application for a wayside permit must be in a style and manner acceptable to the Minister and must be signed by the applicant.

Idem

(2) The site plan accompanying an application for a wayside permit must show,

(a) a key map showing the location of the site;

(b) a general description of the site, including lot and concession lines, if any;

(c) the public authority that is a party to the contract and the number of the project;

(d) the location of the project;

(e) the name and address of the owner of the site;

(f) the shape, dimensions and hectarage of the site and the area to be excavated;

(g) the existing and estimated final elevations of the site;

(h) the use of the land and the location and use of the buildings and other structures within 150 metres of the site;

(i) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;

(j) any significant natural and man made features;

(k) every entrance to and exit from the site;

(l) any existing and proposed drainage facilities on the site and points of discharge to surface waters;

(m) subject to available information, the location of water wells on and within 300 metres of the site;

(n) the maximum depth of excavation and whether it is intended to excavate below the water table;

(o) the sequence and direction of operation of the pit or quarry;

(p) the final rehabilitation plan;

(q) the approximate scale; and

(r) any other necessary information respecting the site.

Property of the Crown

(3) Every site plan submitted with an application under this section becomes the property of the Crown upon the permit applied for being issued. *New.*

Matters to be considered by Minister

26. The Minister in considering whether to issue or refuse a wayside permit shall have regard to,

(a) any comments provided by the municipalities in which the site is located;

(b) the effect of the operation of the pit or quarry on the environment;

(c) the estimated cost of the aggregate for the project as compared with that from any alternative source of supply;

(d) the proper management of the aggregate resources of the area;

(e) any previous wayside permits for the site;

(f) the rehabilitation of the site and its compatibility with adjacent land;

(g) any possible effects on ground and surface water resources;

(h) any proposed aesthetic improvements to the landscape; and

(i) such other matters as are considered appropriate. R.S.O. 1980, c. 378, s. 12 (2), *amended*.

Issue of permits

27.—(1) The Minister may in his or her discretion issue a wayside permit subject to such conditions as are considered necessary and whether or not the location of the site complies with all relevant zoning by-laws. R.S.O. 1980, c. 378, s. 12 (3), *amended*.

Limitation

(2) No wayside permit shall be issued if the issuance will result in more than one wayside permit for one site at any time. *New*.

Copies to municipalities

28. The Minister, on issuing a wayside permit, shall, where applicable, serve a copy of the wayside permit upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New*.

Duties of permittees

29. Every wayside permittee shall operate the permittee's pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the permit. R.S.O. 1980, c. 378, s. 3, s. 4 (4), *part*, *amended*.

Variation of conditions

30.—(1) The Minister may, at any time, add a condition to a wayside permit or rescind or vary any condition of a wayside permit.

Notice to municipalities

(2) The Minister, after taking any action under subsection (1), shall serve notice thereof, including reasons therefor, upon the permittee and, where applicable, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

Expiration of permit

31. A wayside permit expires on the completion of the project in respect of which it was issued or eighteen months after its date of issue, whichever occurs first. R.S.O. 1980, c. 378, s. 12 (4), *amended.*

Suspension or revocation

32.—(1) The Minister may, at any time, suspend or revoke a wayside permit for any contravention of this Act, the regulations, the site plan or the conditions of the permit, effective as soon as the notice mentioned in subsection (2) is served upon the permittee. R.S.O. 1980, c. 378, s. 12 (5), *amended.*

Notice to municipalities

(2) Notice of suspension or revocation of a permit, including reasons therefor, shall be served upon the permittee and, where applicable, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Suspension—duration

(3) The Minister may suspend a wayside permit for any period of time not exceeding six months.

Suspension—further particulars of notice

(4) The notice mentioned in subsection (2) shall inform the permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit.

Suspension—consequence of no remedial action

(5) If a permittee whose permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the permit. *New.*

PART IV

ABANDONED PITS AND QUARRIES

Abandoned pits and quarries

33.—(1) The Minister may declare any pit or quarry for which a licence or wayside permit is not in force to be abandoned,

(a) after receiving the consent of the person assessed for the land on which the pit or quarry is located; and

(b) where applicable, after consultation with the regional municipality or county, as the case may be, and the local municipality in which the pit or quarry is located.

Disbursal for rehabilitation

(2) The Minister may disburse any portion of the fees set apart under subsections 14 (5) and 24 (4) for,

(a) pre-program surveys or studies respecting the location, condition and rehabilitation of pits and quarries, for which a licence or wayside permit is not in force; and

(b) the rehabilitation of abandoned pits and quarries. *New.*

PART V

AGGREGATE PERMITS

Aggregate permits required

34.—(1) No person shall, except under the authority of and in accordance with an aggregate permit, operate a pit or quarry,

(a) to excavate aggregate or topsoil that is on land the surface rights of which are the property of the Crown;

(b) to excavate aggregate or topsoil that is the property of the Crown from land under water;

(c) to excavate aggregate or topsoil that is the property of the Crown in a part of Ontario that is not designated under section 5; or

(d) to excavate aggregate that is not the property of the Crown from land under water.

Idem

(2) The excavation of aggregate or topsoil resulting from non-aggregate mineral extraction from a placer deposit is considered to be the operation of a pit for the purpose of subsection (1).

Idem

(3) The removal from the site of stockpiled aggregate or topsoil that is the property of the Crown and was excavated under an aggregate permit is considered to be the operation of a pit for the purpose of subsection (1).

Applications for aggregate permits

(4) Any person may apply to the Minister, on a form provided by the Minister, for an aggregate permit to operate a pit or quarry.

When a licence is required instead of an aggregate permit

(5) A person who, except for this subsection, would apply for an aggregate permit shall apply for a licence if,

(a) the site is in a part of Ontario designated under section 5;

(b) the site is partly on land the surface rights of which are the property of the Crown and partly on land the surface rights of which are not the property of the Crown; and

(c) the Minister directs the person in writing to apply for a licence. *New.*

Classes of aggregate permits

35.—(1) A commercial aggregate permit authorizes the excavation of aggregate and topsoil to be used for resale or commercial purposes or in conjunction with a commercial undertaking.

Idem

(2) A public authority aggregate permit authorizes a public authority to excavate aggregate and topsoil for use by the public authority but not for resale or commercial purposes.

Idem

(3) A public authority aggregate permit authorizes a person who has a contract with a public authority to excavate aggregate and topsoil for use by that person in a project of the public authority but not for resale or commercial purposes.

Idem

(4) A personal aggregate permit authorizes an individual or a group of individuals to excavate aggregate and topsoil for use by the individual or group of individuals but not for resale or commercial purposes. *New.*

Information required

36.—(1) Every application for an aggregate permit must be accompanied by,

(a) a site plan; and

(b) such additional information in such form and manner as the Minister considers necessary.

Idem

(2) Until the information mentioned in subsection (1) is furnished to the Minister's satisfaction, further consideration of the application may be refused.

Idem

(3) The Minister may waive the requirement for a site plan for an application for a personal aggregate permit.

Site plans

(4) The site plan accompanying an application for an aggregate permit in respect of a pit or quarry that is entirely on dry land must show,

(a) the location of the site;

(b) existing conditions, including the shape, dimensions and area to be excavated, topography and land use on the site and within 150 metres of the site;

(c) location, dimensions and use of any buildings or other structures existing or proposed to be erected on the site or existing within 150 metres of the site;

(d) method and phasing of the operation;

(e) estimated final elevations;

(f) proposed progressive rehabilitation and final rehabilitation plans;

(g) existing and proposed drainage and points of discharge to surface water;

(h) location and size of existing and proposed stockpiles of aggregate, overburden and soil;

(i) location and type of fences;

(j) all existing and proposed entrances to and exits from the site;

(k) location of the excavation setback limits; and

(l) the approximate scale.

Idem

(5) The site plan accompanying an application for an aggregate permit in respect of a pit or quarry located entirely on land covered by water must show,

(a) the location of the proposed operation and distance from the nearest shore and existing shoreline land uses that may be affected by the operation;

(b) as nearly as possible the extent and nature of the aggregate deposit to be excavated;

(c) the depth of the water covering the deposit; and

(d) the proposed method of operation.

Idem

(6) The site plan accompanying an application for an aggregate permit in respect of a pit or quarry located partly on dry land and partly on land covered by water must show the information required in subsection (4) in respect of the dry land and the information required in subsection (5) in respect of the land covered by water.

Idem

(7) Every site plan accompanying an application for an aggregate permit must be in a style and manner acceptable to the Minister and must be signed by the applicant.

Waiver, etc., by Minister

(8) The Minister may require additional information or may waive, vary or reduce the information required under subsection (4), (5) or (6).

Plans property of the Crown

(9) Every site plan submitted with an application under this section becomes the property of the Crown upon the aggregate permit applied for being issued. *New.*

Issue of aggregate permits

37.—(1) The Minister may issue an aggregate permit for a fixed period of not more than five years, subject to such conditions as are considered necessary.

Idem

(2) The Minister, on being satisfied that an applicant for an aggregate permit requires the use of aggregate in conjunction with the operation of a producing mine and that use will likely extend beyond five years, may issue the permit for a term exceeding five years.

Permit fees

(3) Every applicant for an aggregate permit shall, before the permit is issued, pay to the Treasurer a permit fee as prescribed.

Limitation

(4) No aggregate permit shall be issued for sand and gravel where the sand and gravel has been included in a mining claim

as a placer deposit under the *Mining Act* until the non-aggregate mineral has been removed from the placer deposit. R.S.O. 1980, c. 268

(5) The Minister may at any time add a condition to an aggregate permit or rescind or vary any condition of such a permit. Changes in conditions

(6) Subject to sections 43 and 44, the Minister may at any time require an aggregate permittee to amend the site plan. Amendment of site plans

(7) An aggregate permittee may amend the site plan at any time with the approval in writing of the Minister. *New.* Idem

38. The Minister, if of the opinion that it is in the public interest, may authorize a public authority with a project that requires aggregate or topsoil or any person who has a contract with a public authority for such a project to excavate and remove undisturbed aggregate or topsoil in the ground that is the property of the Crown from a site that is subject to an aggregate permit. *New.* Public authority

39.—(1) Any person who holds a commercial or public authority aggregate permit may, before the expiry of the permit, apply to the Minister for another aggregate permit for the same site to come into effect upon the expiry of the previous permit. Renewal of permits

(2) If another aggregate permit is issued for the same site, the new permit may cover a smaller area than the previous permit covered and contain different conditions than did the previous permit and the Minister may require an amendment to the site plan that accompanied the previous permit. *New.* Change in area, conditions and site plan

40. Every aggregate permittee shall carry on the operation in accordance with this Act, the regulations, the site plan, if any, and the conditions of the permit. *New.* Duties of permittees

41.—(1) Upon application therefor accompanied by the prescribed transfer fee, the Minister may consent to the transfer of a commercial aggregate permit. Transfer of permits

(2) A personal or public authority aggregate permit is not transferable. *New.* Idem

42. The Minister may, Revocation, refusal to issue or transfer

(a) refuse to issue an aggregate permit under section 37 or 39;

(b) refuse to consent to the transfer of an aggregate permit; or

(c) revoke an aggregate permit,

if,

(d) the Minister considers the issuance, transfer or continuation of the permit to be contrary to the public interest;

(e) in the opinion of the Minister, a substantial amount of aggregate or topsoil has not been removed from the site under the permit during the previous twelve months; or

(f) the permittee has contravened any provision of this Act, the regulations, a site plan or any of the conditions to which the permit is subject. *New*.

Notice to applicant or permittee

43.—(1) If the Minister,

(a) refuses to issue an aggregate permit to excavate aggregate or topsoil that is not the property of the Crown;

(b) revokes an aggregate permit;

(c) refuses to issue another aggregate permit;

(d) proposes to issue another aggregate permit for a smaller area or with different conditions or site plan from the previous permit;

(e) proposes to add, rescind or vary a condition of an aggregate permit; or

(f) proposes to require the amendment of a site plan,

the Minister shall serve forthwith notice thereof including the reasons therefor upon the applicant or permittee. R.S.O. 1980, c. 268, s. 119 (1), *part*, *amended*.

Time of taking effect

(2) Any action of the Minister under clause (1) (a), (b) or (c) is effective as soon as the notice is served upon the applicant or permittee and, despite the fact that the applicant or permittee requires a hearing by the Commissioner, remains effective until the Minister takes action under subsection 44 (5).

(3) The Minister shall take no action proposed under clause (1) (d), (e) or (f) until the thirty days referred to in subsection 44 (1) have elapsed. No action until 30 days elapsed

(4) The Minister may carry out a proposal under clause (1) (d), (e) or (f) if the proposal is not referred to the Commissioner. *New.* Where no hearing

44.—(1) An applicant or aggregate permittee who is served with a notice mentioned in subsection 43 (1) is entitled to a hearing by the Commissioner if the applicant or permittee, within thirty days after being served, serves the Minister with a notice that a hearing is required. Entitlement to hearing

(2) The Minister, if served with a notice under subsection (1), shall, within thirty days after being served, refer the matter to the Commissioner for a hearing. Hearing

(3) The Commissioner shall hold a hearing on a matter referred under subsection (2) and, after the hearing, make a recommendation to the Minister. Recommendation by Commissioner

(4) The Commissioner shall specify the parties to the hearing. R.S.O. 1980, c. 268, s. 119 (2, 4), *amended.* Idem

(5) After considering the recommendation of the Commissioner, the Minister may take such action as the Minister considers appropriate and shall serve notice of the decision on the parties to the hearing. Decision by Minister

(6) The decision of the Minister is final. *New.* Decision final

45.—(1) The Minister may suspend an aggregate permit for any period of time not exceeding six months, Suspension of permit

(a) for any contravention of this Act, the regulations, the site plan or the conditions of the permit; or

(b) if, in the opinion of the Minister, the continuation of the operation under the permit will likely cause damage to property or is contrary to the public interest. R.S.O. 1980, c. 39, s. 4 (7), *part*, *amended.*

(2) The suspension shall be effective as soon as the required notice is served upon the permittee. *New.* Time of taking effect

(3) Notice of a suspension of an aggregate permit, including the reasons therefor, shall be served upon the permittee. R.S.O. 1980, c. 39, s. 4 (7), *part*, *amended.* Notice of suspension

Further particulars of notice

(4) The notice of suspension shall inform the aggregate permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit.

Revocation

(5) If a permittee whose aggregate permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the aggregate permit, in which case sections 43 and 44 apply. *New.*

Royalties

46.—(1) The Minister shall determine the royalty per tonne that each aggregate permittee removing from the site aggregate or topsoil that is property of the Crown must pay, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the aggregate or topsoil and its intended use.

Returns and payment

(2) Every aggregate permittee shall make a return, when required by the Minister, showing the quantity of material removed from the site and, at the same time, enclose the required royalty payment payable to the Treasurer.

Security or deposit

(3) The Minister may require an aggregate permittee to give, in an amount determined by the Minister, security of the prescribed kind or a deposit for the payment of any royalty that is due or that may become due under subsection (1).

Recovery of royalties in default

(4) The amount of a default in the payment of a royalty under this section may be recovered by the Crown from any security given under subsection (3) or as a debt due to the Crown in any court of competent jurisdiction.

Waiver of royalty

(5) The Minister may waive or vary any royalty payable.

Crown does not pay royalty

(6) No royalty is payable by the Crown, an agent of the Crown or a person who has a contract with the Crown to excavate aggregate or topsoil for use in a project of the Crown.

Licensee removing Crown aggregate or topsoil pays royalties

(7) Subsections (1) to (6) apply to a licensee who removes from the site aggregate or topsoil that is the property of the Crown as if the references to "aggregate permittee" were references to "licensee". *New.*

PART VI

REHABILITATION

Application of Part

47. This Part does not apply to a pit or quarry or part thereof that is covered by water that is not the result of excavation of aggregate below the water table. *New.*

Duty to rehabilitate site

48.—(1) Every licensee and every permittee shall perform progressive rehabilitation and final rehabilitation on the site in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit to the satisfaction of the Minister.

Minister's order requiring progressive rehabilitation

(2) The Minister, upon being satisfied that a licensee, a permittee or former permittee has not performed adequate progressive rehabilitation on the site, may order the licensee, permittee or former permittee, as the case may be, to perform within a specified period of time such progressive rehabilitation as the Minister considers necessary and the licensee, permittee or former permittee shall comply with the order. *New.*

Waiver

49. The Minister may waive or reduce the rehabilitation requirements, in respect of excavation of aggregate that is the property of the Crown, if, in the opinion of the Minister, to do so is not contrary to the public interest. *New.*

Rehabilitation security payments by licensees

50.—(1) Every licensee shall pay to the Treasurer security for the rehabilitation of the site at the prescribed time and in the prescribed amount and manner. R.S.O. 1980, c. 378, s. 11 (1), *amended.*

Recovery of amount not paid

(2) Any security for the rehabilitation of the site not paid by a licensee or former licensee is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction. *New.*

Rehabilitation security payments by permittees

51.—(1) Every person who applies for a permit must, before the permit is issued, pay to the Treasurer security for the rehabilitation of the site in the prescribed amount and manner.

Waiver

(2) Despite subsection (1), the Minister may, in the case of an aggregate permit, waive the payment, in advance, of the security in which event security shall be paid at the prescribed time.

Idem

(3) The Minister may waive any security required under this section if the Minister does not consider it to be necessary or in the public interest.

Recovery of amount not paid

(4) Any security for the rehabilitation of a site not paid by a permittee or former permittee is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction. *New.*

Rehabilitation security accounts

52.—(1) Sums paid by a licensee or permittee under section 50 or 51 shall be held in an account in that person's name and shall be paid out in accordance with the regulations.

Interest payable

(2) Sums paid by a licensee or permittee under section 50 or 51 earn interest at the prescribed rate.

Interest deemed security

(3) Interest earned under subsection (2) is part of the rehabilitation security. *New.*

Partial refunds

53. Every licensee or aggregate permittee who submits proof, satisfactory to the Minister, of progressive rehabilitation on the site in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit is entitled to a refund out of the rehabilitation security account in accordance with the regulations. *New.*

Refunds when rehabilitation fully performed

54. Every licensee, permittee, former licensee or former permittee who has submitted proof, satisfactory to the Minister, of final rehabilitation in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit is entitled to a refund of the total sum to that person's credit in the rehabilitation security account. *New.*

Entry upon site for rehabilitation

55.—(1) A licensee, permittee, former licensee or former permittee who does not, without this subsection, have the right to enter upon a site not rehabilitated in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit, may enter upon the site and perform such rehabilitation as the Minister considers necessary.

Refunds

(2) Rehabilitation performed under subsection (1) is final rehabilitation for the purpose of section 54. *New.*

When rehabilitation not performed

56.—(1) The Minister or a person authorized in writing by the Minister may enter upon a site in respect of which a licence or permit was revoked or expired and not rehabilitated in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit to the satisfaction of the Minister and may perform such rehabilitation as the Minister considers necessary.

(2) The cost of rehabilitation performed under subsection (1) is a debt due to the Crown by the former licensee or former permittee and shall be paid by the Treasurer out of the former licensee's or former permittee's rehabilitation security account. R.S.O. 1980, c. 378, s. 11, *amended*. Recovery of cost

(3) Any sum remaining to the credit of the former licensee or former permittee in that person's rehabilitation security account after the cost of rehabilitation performed under subsection (1) has been paid out shall be paid by the Treasurer to that person. Disposition of surplus

(4) If a sum to the credit of a former licensee or former permittee in the rehabilitation security account is insufficient to defray the cost of rehabilitation, the amount of the deficiency is a debt due to the Crown by the former licensee or former permittee and is recoverable by the Crown in any court of competent jurisdiction. *New*. Recovery of deficiency

PART VII

OFFENCES AND PENALTIES

57.—(1) Every person who operates a pit or quarry without a licence or permit is guilty of an offence. R.S.O. 1980, c. 378, s. 4 (1), *amended*. No operation of pit or quarry without licence or permit

(2) Every licensee or permittee who contravenes the site plan or a condition of the licence or permit is guilty of an offence. Contravention of licence, permit or site plan

(3) Every person who contravenes any provision of this Act or the regulations is guilty of an offence. R.S.O. 1980, c. 378, s. 18 (1), *part*, *amended*. Contravention of Act or regulations

(4) Every person who hinders or obstructs an inspector in the performance of the inspector's duties or furnishes the inspector with false information or refuses to furnish the inspector with information is guilty of an offence. R.S.O. 1980, c. 378, s. 13 (2), *amended*. Obstruction of inspectors

58. Every person who commits an offence under section 57 is liable on conviction to a fine of not less than $500 and not more than $5,000 for each day on which the offence occurs or continues. R.S.O. 1980, c. 378, s. 18 (1), *amended*. Penalty

59. In any prosecution under this Act, the court may, in addition to imposing a fine under section 58, make such order Order for compliance

as the court considers proper to obtain compliance with this Act, the regulations, the site plan or any condition of a licence or permit. *New.*

PART VIII

TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Notice of application for licence in area without municipal organization

60.—(1) The Minister, upon being satisfied that an application for a licence for a pit or quarry located in territory without municipal organization and the documents accompanying it comply with this Act and the regulations, shall serve the applicant with notice that the applicant must cause notice of the application in the prescribed form to be published in two successive issues of a newspaper having general circulation in the locality in which the site is located.

Notice of publication

(2) The applicant shall notify the Minister when the publication of the notice has been completed. *New.*

Notice of objection

(3) Any person may serve the Minister, within forty-five days after the second publication under subsection (1) or within such further period as the Minister may allow, a notice of objection to the issue of the licence applied for and the reasons therefor.

Notice requiring hearing

(4) Any person serving a notice under subsection (3) may, in addition, serve the Minister within the period provided under subsection (3) a notice that the person requires a hearing of the matter before the Board.

Reference to Board for a hearing

(5) Upon receipt of a notice under subsection (4) that, in the opinion of the Minister, discloses an interest in the matter that is sufficiently substantial to warrant a hearing and is not frivolous or vexatious, the Minister shall refer the application and the objections to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (1, 3), *amended.*

Idem

(6) The Minister may, on his or her own motion, refer an application and objections, if any, to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (4), *amended.*

What Board may consider at one hearing

(7) The Board may consider an application referred to it under section 34 of the *Planning Act, 1983*, and an application referred to it under this section at the same hearing. *New.*

1983, c. 1

Publication of notice

61.—(1) The Minister shall, in addition to any notice that is required to be served, publish notice of a proposed action under subsection 13 (2), subsection 16 (1) or (2) or subsection 68 (1) or (2) in respect of a site located in territory without

municipal organization in two successive issues of a newspaper having general circulation in the locality in which the site is located.

Exception

(2) The Minister may dispense with publication of the notice under subsection (1) if the Minister does not consider the proposal to be a significant matter.

Comments

(3) Any person may provide the Minister with comments at any time up to thirty days after the second publication under subsection (1) and the Minister may take no action until the thirty days have elapsed.

Notice for information only

(4) Any notice required to be given by the Minister to a municipality for the purpose of information only may, in respect of a site located in territory without municipal organization, be given to such persons and in such manner as the Minister in his or her discretion directs. *New.*

PART IX

MISCELLANEOUS

Record keeping

62. Every licensee or permittee shall keep detailed records of the operation for which the licence or permit has been issued, including copies of all documents relating to sales and shipments, and shall make available for inspection by any person authorized for the purpose of this Act all the accounts, records and documents related to the operation. R.S.O. 1980, c. 268, s. 121, *amended.*

Restraining orders

63.—(1) If it appears to the Minister that any person is not complying or does not intend to comply with this Act or the regulations or a site plan or a condition of a licence or permit, despite the imposition of any penalty for non-compliance, the Minister may apply to a judge of the High Court for an order directing the person to comply.

Idem

(2) Upon an application under subsection (1), the judge may make such order as he or she considers proper.

Appeal

(3) An appeal lies to the Divisional Court from an order made under subsection (2). R.S.O. 1980, c. 378, s. 15, *amended.*

Service of notices

64.—(1) Any notice required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is to be made at the last address for service appearing on the records of the Ministry.

Idem

(2) Service made by registered mail shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, and for cause beyond that person's control, receive the notice until a later date. R.S.O. 1980, c. 378, s. 16, *amended*.

Joint effect

R.S.O. 1980, c. 321

65. This Act and the regulations are in addition to and not in substitution for Regulation 694 of Revised Regulations of Ontario, 1980, made under the *Occupational Health and Safety Act* or any provisions substituted therefor at any time.

Act overrides municipal by-laws, etc.

66.—(1) In the event that this Act and the regulations and a municipal by-law, official plan or development agreement treat the same subject-matter in different ways, this Act and the regulations prevail and the by-law, official plan or development agreement is inoperative to the extent that it conflicts with this Act and the regulations. R.S.O. 1980, c. 378, s. 17 (2), *amended*.

Retroactive effect

(2) Subsection (1) applies whether the by-law, official plan or development agreement comes into force before or after this Act.

Power to pass by-laws restricted

R.S.O. 1980, c. 302

(3) Every municipal by-law passed under the *Municipal Act*, except a by-law passed under paragraph 137 of section 210, that purports to prohibit the carrying on or operating of a pit or quarry or wayside pit or quarry is inoperative to the extent that it conflicts with this Act and the regulations.

Idem

(4) Subsection (3) applies to by-laws passed before or after this Act comes into force. *New*.

Regulations

67. The Lieutenant Governor in Council may make regulations,

(a) respecting the management of the aggregate resources of Ontario;

(b) prescribing material as aggregate;

(c) prescribing duties of inspectors;

(d) prescribing or providing for the calculation of fees and providing for the payment thereof;

(e) prescribing a rate per tonne of aggregate for the purpose of calculating fees;

(f) prescribing the percentage of the total of the annual licence fees and wayside permit fees collected that shall be disbursed to municipalities, prescribing the amounts and manner of such disbursements and prescribing the municipalities to which such disbursements shall be made;

(g) prescribing the percentage of the total of the annual licence fees and wayside permit fees collected that may be set apart and disbursed for the purposes mentioned in subsection 33 (2);

(h) respecting the control and operation of pits and quarries;

(i) prescribing the minimum royalty for aggregate that is the property of the Crown and providing for the payment thereof;

(j) prescribing kinds of security for the purposes of subsection 46 (3);

(k) governing the rehabilitation of pits and quarries;

(l) respecting the form, terms and conditions and time of payment of rehabilitation security, prescribing a rate per tonne of aggregate for the purpose of calculating rehabilitation security, prescribing maximum and minimum amounts per hectare of rehabilitation security for aggregate operations, prescribing the rate of interest payable thereon and providing for refunds from rehabilitation security accounts and royalty accounts;

(m) requiring and providing for the records and information that must be kept and returns that must be made by licensees and permittees;

(n) prescribing forms for the purposes of this Act and providing for their use;

(o) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1980, c. 378, s. 19 (1), *amended*.

Relief from compliance

68.—(1) The Minister, if of the opinion that it is not contrary to the public interest, may, in writing, relieve any licensee or permittee from compliance in whole or in part with the regulations.

Idem

(2) The relief granted under subsection (1) is subject to such conditions as are set out in the instrument giving it. R.S.O. 1980, c. 378, s. 19 (2), *amended*.

Idem

(3) The Minister may at any time rescind or vary any relief granted under subsection (1) upon written notice thereof to the licensee or permittee.

Notice to municipality

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed relief under subsection (1), including reasons therefor, upon the clerk of the local municipality in which the site is located and, where applicable, upon the clerk of the regional municipality or county, as the case may be, for their information and comment.

Delay in relief

(5) The Minister may not grant relief until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. *New*.

Pits and quarries under licence or permit under R.S.O. 1980, c. 378

69.—(1) Despite section 77, the *Pits and Quarries Control Act* and the regulations thereunder continue to apply to,

(a) every pit or quarry for which an operator is licensed under that Act for six months after this Act comes into force except where the licence expires under subsection (2) or (3); and

(b) every pit or quarry for which a wayside permit exists under that Act for the remaining term of the permit.

Application for a licence under this Act

R.S.O. 1980, c. 378

(2) During the first three months after this Act comes into force an application for replacing a licence for the identical site under this Act accompanied by the prescribed fee may be made by a licensee under the *Pits and Quarries Control Act* in respect of that licensee's pit or quarry and, if an application is not so made, the licence under the *Pits and Quarries Control Act* expires at the end of the three-month period.

Licence to be issued

(3) Within the six-month period mentioned in subsection (1), if the applicant has paid fees and deposited rehabilitation security as required under the *Pits and Quarries Control Act*, the Minister shall issue a licence under this Act in respect of every application under subsection (2) even if the requirements of section 8 have not been met and whether or not all relevant zoning by-laws are complied with.

Idem

(4) As soon as a licence is issued under this Act for a pit or quarry to which this section applies, the licence under the

Pits and Quarries Control Act expires and that Act and the regulations thereunder cease to apply, but the site plan under that Act continues in effect until superseded by a site plan under this Act. R.S.O. 1980, c. 378

When new site plan requirements to be met

(5) Ten copies of the site plan referred to in section 8 or such lesser number as the Minister indicates must be served upon the Minister within six months after the licensee has been served with a demand therefor by the Minister or within four years after this Act comes into force, whichever occurs first.

s. 7 (3) (a-c), s. 9, s. 10, s. 11 (2-9), s. 12 do not apply

(6) Clauses 7 (3) (a), (b) and (c), sections 9 and 10, subsections 11 (2) to (9) and section 12 do not apply to applications made under subsection (2) of this section.

Permits and licences under R.S.O. 1980, cc. 268, 39

(7) Despite section 77,

(a) the *Mining Act* and the regulations thereunder continue to apply to every pit and quarry for which a permit exists under that Act; and

(b) the *Beach Protection Act* and the regulations thereunder continue to apply to every pit or quarry for which an operator is licensed under that Act,

for the remaining term of the permit or licence, as the case may be, or for twelve months after this Act comes into force, whichever occurs first.

Transition re R.S.O. 1980, cc. 378, 268, 39

(8) Every permit or licence issued under the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act* subsisting on the day that this Act comes into force shall be deemed to be a permit or licence, as the case may be, issued under this Act.

Licences ruled invalid by court

(9) Every licence issued under the *Pits and Quarries Control Act* by the Minister to reflect a change in operator and not revoked before the day this Act comes into force shall be deemed to be subsisting for the purpose of subsection (8) despite the decision of any court.

Expiry of licences

(10) Every permit or licence referred to in subsection (7) that, on its terms, does not expire within twelve months after this Act comes into force expires with the twelfth month after this Act comes into force.

Application where permit or licence under R.S.O. 1980, cc. 268, 39 to expire

(11) If a quarry permit under the *Mining Act* or a licence under the *Beach Protection Act* expires because of the application of subsection (10), the permittee or licensee may apply

for a replacing aggregate permit, for the identical site, under this Act by an application accompanied by the prescribed fee submitted not later than ten months after this Act comes into force.

Permit to be issued

(12) The Minister shall issue an aggregate permit in respect of every application under subsection (11) if the applicant has paid all fees, royalties and security required by this Act under which the permit or licence was issued.

Condition

(13) The Minister may attach such conditions as the Minister considers advisable to any licence issued under subsection (3) or any permit issued under subsection (12).

Site plan

(14) The site plan accompanying an application under subsection (12) may be a duplicate of the site plan that accompanied the original application unless the Minister directs otherwise.

Rehabilitation security R.S.O. 1980, cc. 378, 268, 39

(15) All fees, royalties, security and interest on deposit or payable under the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act* in respect of a licence or aggregate permit replaced under this section shall be deemed to be on deposit or payable as provided under this Act.

Credit for rehabilitation

(16) Any rehabilitation that has been carried out in respect of a pit or quarry under a permit or licence under an Act referred to in this section and for which the permittee or licensee has not received credit under that Act before this Act comes into force shall be deemed to be rehabilitation performed for the purpose of this Act. *New.*

Non-application of ss. 10, 11 (2-9) and waiver of s. 9

70.—(1) Section 10 and subsections 11 (2) to (9) do not apply to an application for a licence in respect of a site for which a licence under the *Pits and Quarries Control Act* expired under subsection 69 (2) if the application is made after the three-month period mentioned in subsection 69 (2) but within the two-year period after this Act comes into force.

Waiver

(2) The Minister may waive the requirement for a report under section 9 for any application under subsection (1). *New.*

Act applies to pits and quarries in newly designated areas

71.—(1) This Act and the regulations apply to every established pit and quarry in a part of Ontario designated under subsection 5 (2).

Determination by Minister in cases of doubt

(2) The Minister may, in his or her absolute discretion, determine, in cases where doubt exists, whether a pit or quarry is an established pit or quarry.

Right to operate for limited period without licence or permit

(3) Despite subsection 57 (1), a person with an established pit or quarry in a part of Ontario designated under subsection 5 (2) may continue to operate the pit or quarry without a licence or permit until the six-month period next following the date of the designation expires.

Right to operate for limited period without licence

(4) Despite subsection 57 (1), a person who applies for a licence during the six-month period next following the day of the designation under subsection 5 (2), and,

(a) who is not required by the Minister to refer a matter to the Divisional Court under section 10 may operate an established pit or quarry without a licence subsequent to such six-month period until the licence is either issued or refused or the twelve-month period next following the day of the designation expires, whichever occurs first; or

(b) who is required by the Minister to refer a matter to the Divisional Court under section 10 may operate an established pit or quarry until the licence is either issued or refused.

Licence to be issued

(5) The Minister, if satisfied that the application under subsection (4) is in respect of an established pit or quarry and that the location of the land on which the pit or quarry is situate complies with all relevant zoning by-laws, shall issue a licence under this Act to the applicant even if the requirements of section 8 have not been met.

When new site plan requirements to be met

(6) Ten copies of the site plan referred to in section 8 or such lesser number as the Minister indicates must be served upon the Minister within six months after the licensee has been served with a demand therefor by the Minister or within four years after this Act comes into force, whichever occurs first.

s. 7 (3) (a-c), s. 9, s. 11 (2-9), s. 12 do not apply

(7) Despite subsection (1), clauses 7 (3) (a), (b) and (c), section 9, subsections 11 (2) to (9) and section 12 do not apply to applications made under subsection (4).

Non-application of s. 11 (2-9) and waiver of s. 9

(8) Despite subsection (1), subsections 11 (2) to (9) do not apply to an application for a licence for an established pit or quarry made during the two-year period next following the day of the designation.

Waiver

(9) The Minister may waive the requirement for a report under section 9 for any application under subsection (8).

Person deemed licensee from date of designation

(10) For the purposes of this Act and the regulations, every person who has been issued a licence for an established pit or quarry in a part of Ontario that is designated under subsection 5 (2) shall be deemed to be a licensee from the date of the designation. *New.*

Application under R.S.O. 1980, cc. 378, 268, 39 deemed application under this Act

72.—(1) If an application for a licence or permit to operate a pit or quarry has been made under and complies with the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act* or a predecessor thereof but no licence or permit has been issued or refused by the Minister under one of those Acts before this Act comes into force, the application shall be deemed to be an application made under this Act.

Applicant must comply with this Act

(2) The applicant referred to in subsection (1) shall comply under this Act with the requirements of,

(a) section 7 within six months after this Act comes into force;

(b) subsections 23 (3), (5) and (6) and subsection 24 (1) within six months after this Act comes into force; or

(c) section 36 within ten months after this Act comes into force.

Minister may refuse to consider application

(3) If in the opinion of the Minister the applicant fails to comply with the requirements of subsection (2), the Minister may refuse further consideration of the application.

Hearing before the Board

(4) If an applicant complies with the requirements of subsection (2), a hearing pending before the Board or Commissioner or in respect of which the Board or Commissioner has not reported to the Minister respecting a matter referred to the Board or Commissioner under the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act*, as the case may be, shall be deemed to be a hearing for the purposes of this Act. *New.*

R.S.O. 1980, cc. 378, 268, 39

Quarrying near Niagara escarpment

73.—(1) Subject to subsection (2), despite the fact that a licence or permit has been issued, no person shall operate a quarry nearer to the natural edge of the Niagara escarpment than 200 metres measured horizontally.

Idem

(2) No person holding a licence for a quarry under the *Pits and Quarries Control Act* when this Act comes into force and

who is issued a licence for the quarry under this Act shall operate the quarry nearer to the natural edge of the Niagara escarpment than ninety metres measured horizontally.

Determination of natural edge

(3) For the purposes of subsection (1) or (2), the natural edge of the Niagara escarpment is the natural edge determined by the Minister. *New.*

Licence or permit prevails

74. For the purposes of section 27 and subsection 69 (3), if the location of a pit or quarry for which a licence or wayside permit has been issued contravenes a zoning by-law, the licence or permit prevails and the by-law does not apply to the site. *New.*

Aggregate deemed removed

75. For the purposes of this Act, aggregate that is not removed from the site as aggregate but is used on the site,

(a) in the manufacture of cement, concrete blocks, concrete pipes, bricks, asphalt, concrete mix or any other product; or

(b) in the construction or maintenance of a structure or road, other than a road constructed primarily for the operation of a pit or quarry,

shall be deemed to have been removed from the site. *New.*

Permits and licences under R.S.O. 1980, cc. 268, 39

76.—(1) Every quarry permit issued under Part VII of the *Mining Act* and every licence issued under the *Beach Protection Act* that is subsisting when this Act comes into force continues in force until its expiry date or for a further twelve months, whichever occurs first.

Idem

(2) For the purpose of section 34, the holder of a permit or licence referred to in subsection (1) shall be deemed to be an aggregate permittee. *New.*

Repeals

77. The *Pits and Quarries Control Act*, being chapter 378 of the Revised Statutes of Ontario, 1980, the *Beach Protection Act*, being chapter 39 of the Revised Statutes of Ontario, 1980, and Part VII of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, are repealed.

Commencement

78. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

79. The short title of this Act is the *Aggregate Resources Act, 1988.*

Bill 171 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 171

An Act to amend the Assessment Act

Mr. Philip



1st Reading June 27th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to exempt from taxation land rented or leased to a church or religious organization if the rental or lease agreement makes the church or religious organization liable for the taxes.

Bill 171 1988

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph (b) of paragraph 3 of section 3 of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) The exemption from taxation under this paragraph does not apply to lands rented or leased to a church or religious organization unless the rental or lease agreement makes the church or religious organization liable for the payment of the taxes.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Assessment Amendment Act, 1988*. Short title

1st SESSION, 34th LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 172

An Act to amend the Assessment Act

Mr. Philip



1st Reading June 27th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to extend the time for notice of appeal of a decision of the Assessment Review Board to the Ontario Municipal Board from twenty-one days to sixty days.

Bill 172 1988

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 47 (2) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1982, chapter 40, section 3, is amended by striking out "twenty-one" in the first line and inserting in lieu thereof "sixty".

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Assessment Amendment Act, 1988*. Short title

1st SESSION, 34th LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 173

An Act to amend the Education Act

Mr. Jackson

1st Reading June 28th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The *Education Act* provides that a school board that intends to sell, lease or otherwise dispose of a building to a person other than another school board is required to obtain the approval of the Minister before doing so. The amendment requires the Minister to ensure that the board has given priority to persons intending to use the building or its property for the development of affordable housing.

Bill 173 1988

An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 170 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 60, section 13, is further amended by adding thereto the following subsection:

(4a) Before giving an approval under subsection (4), the Minister shall ensure that the board has given priority to persons intending to use the building or its property for the development of affordable housing. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Education Amendment Act, 1988*. Short title

Bill 174 Government Bill

1ST SESSION, 34TH LEGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Bill 174

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards

The Hon. I. Scott
Attorney General

1st Reading June 29th, 1988
2nd Reading
3rd Reading
Royal Assent

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Projet de loi 174 du gouvernement

1re SESSION, 34e LÉGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Projet de loi 174

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

L'honorable I. Scott
procureur général

1re lecture 29 juin 1988
2e lecture
3e lecture
sanction royale

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

EXPLANATORY NOTES

The principal purpose of the Bill is to establish a three-year pilot project to provide intervenor funding to *bona fide* public interest intervenors at hearings before joint boards under the *Consolidated Hearings Act, 1981*, the Environmental Assessment Board and the Ontario Energy Board. (Part I)

The Bill also gives the Environmental Assessment Board the power to award costs. Joint boards and the Ontario Energy Board already have this power. As a result, certain provisions of the *Environmental Protection Act* and the *Ontario Water Resources Act* will become obsolete and will be repealed. (Sections 17, 18 and 20)

In addition, joint boards, the Environmental Assessment Board and the Ontario Energy Board will be given the authority to award costs using different considerations than are used by the courts. (Part II)

NOTES EXPLICATIVES

L'objet principal du projet de loi est la mise sur pied d'un projet pilote d'une durée de trois ans visant à fournir une aide financière aux personnes qui interviennent de bonne foi pour défendre un intérêt public dans des audiences devant des commissions mixtes créées en vertu de la *Loi de 1981 sur la jonction des audiences*, devant la Commission des évaluations environnementales et devant la Commission de l'énergie de l'Ontario. (Partie I)

Le projet de loi confère en outre à la Commission des évaluations environnementales le pouvoir d'adjuger des dépens. Les commissions mixtes et la Commission de l'énergie de l'Ontario sont déjà investies de ce pouvoir. En conséquence, certaines dispositions de la *Loi sur la protection de l'environnement* et de la *Loi sur les ressources en eau de l'Ontario* deviendront caduques et seront abrogées. (Articles 17, 18 et 20)

De plus, est conféré aux commissions mixtes, à la Commission des évaluations environnementales et à la Commission de l'énergie de l'Ontario le pouvoir d'adjuger des dépens selon des critères différents de ceux qu'utilisent les tribunaux. (Partie II)

Bill 174 1988

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERVENOR FUNDING

Definitions

1. In this Part,

"commission" "board" means a joint board, the Ontario Energy Board or the Environmental Assessment Board;

"comité d'aide financière" "funding panel" means an intervenor funding panel appointed under this Part;

"proposant tenu de verser une aide financière" "funding proponent" means a proponent who has been named by a funding panel as a funding proponent;

"intervenant" "intervenor" means a person or group of persons that has been granted status as an intervenor in a proceeding before a board;

"aide financière aux intervenants" "intervenor funding" means funding awarded under this Part to an intervenor in advance of a hearing before a board;

"commission mixte" "joint board" means a joint board established under the *Consolidated Hearings Act, 1981* to consider a matter arising under the *Environmental Assessment Act*, the

1981, c. 20

Projet de loi 174 1988

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

PARTIE I

AIDE FINANCIÈRE AUX INTERVENANTS

1 Les définitions qui suivent s'appliquent à la présente loi. Définitions

«aide financière aux intervenants» Aide financière accordée aux intervenants en vertu de la présente partie avant une audience devant une commission. «intervenor funding»

«comité d'aide financière» Comité d'aide financière aux intervenants constitué aux termes de la présente partie. «funding panel»

«commission» Une commission mixte, la Commission de l'énergie de l'Ontario ou la Commission des évaluations environnementales. «board»

«commission mixte» Commission mixte créée en vertu de la *Loi de 1981 sur la jonction des audiences* pour examiner une question se rapportant à la *Loi sur les évaluations environnementales*, la *Loi sur la protection de l'environnement* ou la *Loi sur les ressources en eau de l'Ontario*. «joint board» 1981, chap. 20 L.R.O. 1980, chap. 140, 141, 361

«intervenant» Personne ou groupe de personnes qui s'est vu accorder la qualité d'intervenant dans une instance devant une commission. «intervenor»

R.S.O. 1980, cc. 140, 141, 361

Environmental Protection Act or the *Ontario Water Resources Act*;

"proposant"

"proponent" means a party whose undertaking, in the opinion of a funding panel, is the subject-matter of the hearing or another party or individual or corporation, who, in the opinion of a funding panel, is potentially a major financial beneficiary of the decision of the board.

Purpose

2. The purpose of this Part is to provide for the establishment and conduct of a pilot project related to the provision of intervenor funding in proceedings before boards.

Right to apply for intervenor funding

3.—(1) An intervenor in a proceeding before a board may apply to the board, as provided under this Part, for intervenor funding.

Notice

(2) A board shall set out in its notices of hearing,

(a) a statement of the right set out in subsection (1); and

(b) a brief statement of where and when applications for status as an intervenor can be made.

Idem

(3) As soon as all applications for intervenor status have been decided, the board shall notify all intervenors of their right to apply for intervenor funding and it shall forthwith advise the intervenors of the last date for making an application.

Commencement of hearing

(4) If any applications are received for intervenor funding, a board shall not commence a hearing until the funding panel for the hearing has advised the board that all applications for intervenor funding have been decided.

Intervenor funding panel required

4.—(1) An intervenor funding panel shall be appointed for a hearing before a board if any applications are received for intervenor funding.

Duty of funding panels

(2) A funding panel shall determine, with respect to the hearing for which it is appointed, all issues related to the determination of who are the proponents and funding proponents and eligibility for intervenor funding and the amount of the funding.

«proposant» Partie dont l'entreprise, de l'avis d'un comité d'aide financière, fait l'objet de l'audience, ou une autre partie, personne physique ou personne morale qui, de l'avis d'un comité d'aide financière, est potentiellement un bénéficiaire financier majeur de la décision de la commission. «proponent»

«proposant tenu de verser une aide financière» Proposant qu'un comité d'aide financière nomme comme proposant tenu de verser une aide financière aux intervenants. «funding proponent»

2 L'objet de la présente partie est de prévoir la mise sur pied et la direction d'un projet pilote visant à fournir une aide financière aux intervenants dans les instances devant les commissions. Objet

3 (1) Un intervenant dans une instance devant une commission peut demander à celle-ci, comme le prévoit la présente partie, une aide financière aux intervenants. Droit de demander une aide financière

(2) Figurent dans les avis d'audience d'une commission : Avis

a) une déclaration relative au droit énoncé au paragraphe (1);

b) une courte déclaration indiquant où et quand les demandes d'octroi de la qualité d'intervenant peuvent être présentées.

(3) Dès qu'une décision a été rendue relativement à toutes les demandes d'octroi de la qualité d'intervenant, la commission avise tous les intervenants de leur droit de faire une demande d'aide financière aux intervenants. Elle avise sans délai les intervenants de la date limite de présentation de cette dernière demande. Idem

(4) Si une demande d'aide financière aux intervenants est présentée, une commission ne doit pas entamer une audience avant que le comité d'aide financière constitué pour l'audience ne l'informe qu'il a statué sur toutes les demandes d'aide financière aux intervenants. Début de l'audience

4 (1) Un comité d'aide financière est constitué pour une audience devant une commission si celle-ci reçoit des demandes d'aide financière aux intervenants. Comité d'aide financière

(2) Un comité d'aide financière décide, relativement à l'audience pour laquelle il a été constitué, toutes les questions relatives à l'identité des proposants, à l'identité des proposants tenus de verser une aide financière, à l'admissibilité des demandeurs à l'aide financière aux intervenants et au montant de l'aide financière accordée. Devoir des comités d'aide financière

Restriction

(3) A member of a funding panel shall not determine any issue in the hearing for which the panel was appointed other than those referred to in subsection (2).

Composition and appointment of funding panels

5.—(1) Except in the case of a joint board, a funding panel shall consist of one person named by the chairperson of the board from among its members.

Idem

(2) The funding panel of a joint board shall consist of one person named by the chairperson of the Ontario Municipal Board from among its members and one person named by the chairperson of the Environmental Assessment Board from among its members.

Chairperson

(3) The member named under subsection (2) by the chairperson of the Environmental Assessment Board shall be the chairperson of the funding panel of the joint board.

Decision of joint board

(4) If the members of the funding panel of a joint board are unable to reach a common decision, the decision of the panel's chairperson shall be deemed to be the panel's decision.

Funding proponents

6.—(1) Before dealing with any applications for intervenor funding, a funding panel shall determine who is or are the funding proponents.

Notice

(2) For purposes of the determination required by subsection (1), a funding panel shall give notice to a proponent of its intention to name the proponent as a funding proponent.

Hearing

(3) If a proponent who receives a notice under subsection (2) files with the board an objection to being named as a funding proponent, the funding panel shall hold a hearing to determine whether the proponent will be named as a funding proponent.

Deemed funding proponent

(4) A proponent who does not file an objection within the time allowed by the funding panel shall be named as a funding proponent.

Power of board

(5) A funding panel may decide that there is no funding proponent.

Party status

(6) A funding proponent is entitled to be a party to hearings before the funding panel and with respect to applications under section 12.

(3) Un membre d'un comité d'aide financière ne doit trancher, à l'audience pour laquelle le comité a été constitué, aucune question qui n'est pas visée au paragraphe (2). Réserve

5 (1) Sauf dans le cas d'une commission mixte, un comité d'aide financière se compose d'une personne nommée par le président de la commission parmi les membres de celle-ci. Composition et constitution des comités d'aide financière

(2) Le comité d'aide financière d'une commission mixte se compose d'une personne nommée par le président de la Commission des affaires municipales de l'Ontario parmi les membres de celle-ci et d'une personne nommée par le président de la Commission des évaluations environnementales parmi les membres de celle-ci. Idem

(3) Le membre nommé aux termes du paragraphe (2) par le président de la Commission des évaluations environnementales préside le comité d'aide financière de la commission mixte. Président

(4) Si les membres du comité d'aide financière d'une commission mixte ne peuvent pas s'entendre sur une décision, la décision du président du comité est réputée la décision du comité. Décision de la commission mixte

6 (1) Avant de traiter une demande d'aide financière aux intervenants, un comité d'aide financière décide de l'identité des proposants tenus de verser une aide financière. Proposants tenus de verser une aide financière

(2) Aux fins de la décision qu'exige le paragraphe (1), un comité d'aide financière avise un proposant de son intention de nommer le proposant comme proposant tenu de verser une aide financière aux intervenants. Avis

(3) Si un proposant qui reçoit un avis aux termes du paragraphe (2) dépose auprès de la commission une objection à être nommé comme proposant tenu de verser une aide financière, le comité d'aide financière tient une audience pour décider si le proposant sera nommé comme proposant tenu de verser une aide financière. Audience

(4) Un proposant qui ne dépose pas d'objection dans le délai imparti par le comité d'aide financière est nommé comme proposant tenu de verser une aide financière. Réputé proposant tenu de verser une aide financière

(5) Le comité d'aide financière peut décider qu'il n'y a aucun proposant tenu de verser une aide financière. Pouvoir du comité

(6) Un proposant tenu de verser une aide financière est partie aux audiences devant le comité d'aide financière, ainsi qu'aux demandes présentées en vertu de l'article 12. Partie à l'audience

Eligibility for intervenor funding

7.—(1) Intervenor funding may be awarded only in relation to issues,

(a) which, in the opinion of the board, affect a significant segment of the public; and

(b) which, in the opinion of the board, affect the public interest and not just private interests.

Idem

(2) In deciding whether to award intervenor funding to an intervenor, the funding panel shall consider whether,

(a) the intervenor represents a clearly ascertainable interest that should be represented at the hearing;

(b) separate and adequate representation of the interest would assist the board and contribute substantially to the hearing;

(c) the intervenor does not have sufficient financial resources to enable it to adequately represent the interest;

(d) the intervenor has made reasonable efforts to raise funding from other sources;

(e) the intervenor has an established record of concern for and commitment to the interest;

(f) the intervenor has attempted to bring related interests of which it was aware into an umbrella group to represent the related interests at the hearing;

(g) the intervenor has a clear proposal for its use of any funds which might be awarded; and

(h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award.

Idem

(3) In determining the amount of an award of intervenor funding, the funding panel shall,

(a) if the proposal includes the use of lawyers in private practice, assess legal fees at the legal aid rate under the legal aid plan in effect on the day of the award for work necessarily and reasonably performed;

Admissibilité à une aide financière aux intervenants

7 (1) L'aide financière aux intervenants n'est accordée qu'à l'égard de questions qui, de l'avis de la commission :

a) touchent une partie importante du public;

b) concernent l'intérêt public et non seulement des intérêts privés.

Idem

(2) Lorsqu'il décide s'il doit accorder à un intervenant l'aide financière aux intervenants, le comité d'aide financière examine si :

a) l'intervenant représente un intérêt clairement établi qu'il y a lieu de représenter à l'audience;

b) une représentation distincte et satisfaisante de l'intérêt serait utile à la commission et contribuerait de façon importante à l'audience;

c) l'intervenant ne dispose pas de ressources financières suffisantes pour lui permettre de représenter l'intérêt de façon satisfaisante;

d) l'intervenant a fait des efforts raisonnables pour se procurer des fonds par d'autres moyens;

e) l'intervenant s'est prononcé et engagé en faveur de l'intérêt par le passé;

f) l'intervenant a tenté d'effectuer un regroupement d'intérêts connexes dont il a connaissance à des fins de représentation à l'audience;

g) l'intervenant a clairement formulé l'utilisation qu'il se propose de faire des fonds qui pourraient lui être octroyés;

h) l'intervenant dispose de moyens comptables suffisants pour garantir que les fonds octroyés, le cas échéant, sont utilisés aux fins reconnues.

Idem

(3) Lorsqu'il décide du montant accordé au titre de l'aide financière aux intervenants, le comité d'aide financière :

a) évalue les frais de justice pour les travaux nécessaires et raisonnables effectués, selon le barème du régime d'aide juridique en vigueur à la date de l'octroi de l'aide financière, si la proposition comprend le recours à des avocats établis en pratique privée;

(b) set a ceiling in respect of disbursements that may be paid as part of the award and such disbursements shall be restricted to eligible disbursements;

(c) deduct from the award funds that are reasonably available to the applicant from other sources.

Idem

(4) A funding panel may award intervenor funding subject to such conditions as it sets out in its order.

Definition "débours remboursables"

(5) In clause (3) (b), "eligible disbursements" means disbursements for expert witnesses, typing, printing, copying and transcripts necessary for the representation of the interest and such other expenditures as may be named in the regulations made under this Part as eligible disbursements.

Proponent to pay

8.—(1) An award of intervenor funding is an award against the funding proponent named in the order of the funding panel and shall be paid by the funding proponent at the times and in the amounts specified in the panel's order.

Idem

(2) If there is more than one funding proponent, the funding panel may determine the proportion of an award of intervenor funding that each funding proponent shall pay.

Idem

(3) If the funding panel is of the opinion that an award of intervenor funding will result in significant financial hardship to the funding proponent, the panel may refuse to make the award or it may reduce the size of the award.

Supervision

9.—(1) It is a condition of every award of intervenor funding that the intervenor in whose favour an award is made allow the board under whose jurisdiction the award was made, or its agents, access to the books and records of the intervenor to insure that conditions set by the funding panel are being or have been met.

Enforcement of conditions

(2) If an intervenor fails without reasonable cause to comply with the conditions of an award, the intervenor and its directors and officers, upon the order of the board, shall be jointly and severally liable to repay to the proponent the amount of the award, or such part thereof, as the board may order.

b) détermine la nature et le plafond des débours remboursables dans le cadre du montant accordé;

c) déduit du montant accordé les sommes que l'auteur de la demande peut raisonnablement se procurer par d'autres moyens.

Idem

(4) Un comité d'aide financière peut soumettre l'octroi d'une aide financière aux intervenants aux conditions qu'il énonce dans son ordre.

Définition «eligible disbursements»

(5) À l'alinéa (3) b), «débours remboursables» s'entend des débours pour les témoins experts et les travaux de dactylographie, d'impression, de photocopie et de transcription nécessaires à la représentation de l'intérêt et toute autre dépense qualifiée de remboursable dans les règlements pris en application de la présente partie.

Remboursement par le proposant

8 (1) Le proposant tenu de verser une aide financière nommé dans l'ordre du comité d'aide financière est condamné à verser l'aide financière accordée dans les délais et aux montants précisés dans cet ordre.

Idem

(2) S'il y a plus d'un proposant tenu de verser une aide financière, le comité d'aide financière peut déterminer la part de l'aide financière aux intervenants que verse chaque proposant tenu de verser une aide financière.

Idem

(3) Si le comité d'aide financière est d'avis que la condamnation à verser une aide financière aux intervenants entraînera un préjudice financier grave pour le proposant tenu de verser une aide financière, il peut refuser d'accorder le montant ou le diminuer.

Supervision

9 (1) Les montants accordés au titre de l'aide financière aux intervenants le sont à la condition que l'intervenant bénéficiaire du montant donne à la commission compétente ou à ses représentants accès à ses livres et dossiers afin de garantir que les conditions imposées par le comité d'aide financière sont ou ont été respectées.

Mise à exécution

(2) Si un intervenant, sans motifs valables, ne se conforme pas aux conditions de l'octroi d'une aide financière, l'intervenant, ses administrateurs et ses dirigeants sont solidairement tenus de rembourser au proposant, sur ordre de la commission, tout ou partie du montant accordé, selon ce qu'ordonne la commission.

Rules

10. Rules regulating the practice and procedure for matters to be determined under this Act in relation to hearings before a board may be made in the same manner as rules regulating the practice and procedure of the board.

Regulations

11. The Lieutenant Governor in Council may make regulations naming expenditures that shall be considered to be eligible disbursements.

Supplementary funding

12.—(1) An intervenor who has received intervenor funding may apply to the board at the end of the hearing for supplementary funding and the board may award the funding if it is of the opinion, having regard to all of the circumstances, that the original award was inadequate.

Idem

(2) Sections 7 to 11 apply with necessary modifications to supplementary funding.

Costs

(3) An intervenor who receives intervenor funding is not eligible to receive costs in relation to the issues for which it was awarded funding.

Crown bound

13. This Part binds the Crown.

Application

14. This Part applies only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Repeal

15.—(1) This Part is repealed on the day that is three years after the day it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

Transitional

(2) Proceedings commenced before the repeal of this Part shall be taken up and completed as if it had not been repealed.

PART II

AMENDMENTS TO CERTAIN ACTS

16. Section 7 of the *Consolidated Hearings Act, 1981*, being chapter 20, is amended by adding thereto the following subsection:

Considerations not limited

(7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court.

Règles

10 Des règles peuvent être établies pour régir la pratique et la procédure relatives aux questions à trancher aux termes de la présente loi dans le cadre d'audiences devant une commission, de la même manière que les règles pour régir la pratique et la procédure de la commission.

Règlements

11 Le lieutenant-gouverneur en conseil peut, par règlement, énumérer les dépenses qui constituent des débours remboursables.

Aide financière supplémentaire

12 (1) Un intervenant qui a reçu une aide financière aux intervenants peut, à la fin de l'audience, présenter à la commission une demande d'aide financière supplémentaire. La commission peut accorder cette aide financière si elle estime, eu égard à l'ensemble des circonstances, que le montant initialement accordé était insuffisant.

Idem

(2) Les articles 7 à 11 s'appliquent, avec les adaptations nécessaires, à l'aide financière supplémentaire.

Dépens

(3) Nul intervenant qui reçoit une aide financière aux intervenants n'a droit à des dépens relativement aux questions ayant donné lieu à l'octroi de cette aide financière.

La Couronne est liée

13 La présente partie lie la Couronne.

Champ d'application

14 La présente partie s'applique uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article.

Abrogation

15 (1) La présente partie est abrogée trois ans après son entrée en vigueur ou à une date ultérieure que le lieutenant-gouverneur fixe par proclamation.

Disposition transitoire

(2) Les instances introduites avant l'abrogation de la présente partie sont poursuivies et menées à bien comme si la présente partie n'avait pas été abrogée.

PARTIE II

MODIFICATION DE CERTAINES LOIS

16 L'article 7 de la *Loi de 1981 sur la jonction des audiences*, qui constitue le chapitre 20, est modifié par adjonction du paragraphe suivant :

Considerations not limited

(7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court.

17. Section 18 of the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Costs

(16a) The Board may award the costs of a proceeding before it.

Payment

(16b) The Board may order to whom and by whom the costs are to be paid.

Assessment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed.

Considerations not limited

(16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

18. Subsections 33 (5), (6), (7) and (8) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 22, are repealed.

19. Section 28 of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Considerations not limited

(5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

20. Subsections 53 (5), (6), (7) and (8) of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 53, are repealed.

Commencement

21. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

22. The short title of this Act is the *Intervenor Funding Project Act, 1988*.

17 L'article 18 de la *Loi sur les évaluations environnementales*, qui constitue le chapitre 140 des Lois refondues de l'Ontario de 1980, est modifié par adjonction des paragraphes suivants :

(16a) The Board may award the costs of a proceeding before it. Costs

(16b) The Board may order to whom and by whom the costs are to be paid. Payment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed. Assessment

(16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court. Considerations not limited

18 Les paragraphes 33 (5), (6), (7) et (8) de la *Loi sur la protection de l'environnement*, qui constitue le chapitre 141 des Lois refondues de l'Ontario de 1980, adoptés par l'article 22 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.

19 L'article 28 de la *Loi sur la Commission de l'énergie de l'Ontario*, qui constitue le chapitre 332 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant :

(5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court. Considerations not limited

20 Les paragraphes 53 (5), (6), (7) et (8) de la *Loi sur les ressources en eau de l'Ontario*, qui constitue le chapitre 361 des Lois refondues de l'Ontario de 1980, adoptés par l'article 53 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.

21 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en vigueur

22 Le titre abrégé de la présente loi est *Loi de 1988 sur le projet d'aide financière aux intervenants*. Titre abrégé

Education

Bill 174 Government Bill

1ST SESSION, 34TH LEGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Bill 174

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards

The Hon. I. Scott
Attorney General

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University of Toronto

1st Reading June 29th, 1988
2nd Reading December 14th, 1988
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

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Projet de loi 174 du gouvernement

1re SESSION, 34e LÉGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Projet de loi 174

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

L'honorable I. Scott
procureur général

1re lecture 29 juin 1988
2e lecture 14 décembre 1988
3e lecture
sanction royale

(Réimprimé tel qu'il est modifié par le comité plénier de l'Assemblée)

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

EXPLANATORY NOTES

The principal purpose of the Bill is to establish a three-year pilot project to provide intervenor funding to *bona fide* public interest intervenors at hearings before joint boards under the *Consolidated Hearings Act, 1981*, the Environmental Assessment Board and the Ontario Energy Board. (Part I)

The Bill also gives the Environmental Assessment Board the power to award costs. Joint boards and the Ontario Energy Board already have this power. As a result, certain provisions of the *Environmental Protection Act* and the *Ontario Water Resources Act* will become obsolete and will be repealed. (Sections 18, 19 and 21)

In addition, joint boards, the Environmental Assessment Board and the Ontario Energy Board will be given the authority to award costs using different considerations than are used by the courts. (Part II)

NOTES EXPLICATIVES

L'objet principal du projet de loi est la mise sur pied d'un projet pilote d'une durée de trois ans visant à fournir une aide financière aux personnes qui interviennent de bonne foi pour défendre un intérêt public dans des audiences devant des commissions mixtes créées en vertu de la *Loi de 1981 sur la jonction des audiences*, devant la Commission des évaluations environnementales et devant la Commission de l'énergie de l'Ontario. (Partie I)

Le projet de loi confère en outre à la Commission des évaluations environnementales le pouvoir d'adjuger des dépens. Les commissions mixtes et la Commission de l'énergie de l'Ontario sont déjà investies de ce pouvoir. En conséquence, certaines dispositions de la *Loi sur la protection de l'environnement* et de la *Loi sur les ressources en eau de l'Ontario* deviendront caduques et seront abrogées. (Articles 18, 19 et 21)

De plus, est conféré aux commissions mixtes, à la Commission des évaluations environnementales et à la Commission de l'énergie de l'Ontario le pouvoir d'adjuger des dépens selon des critères différents de ceux qu'utilisent les tribunaux. (Partie II)

Bill 174 1988

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERVENOR FUNDING

Definitions

1. In this Part,

"commission" "board" means a joint board, the Ontario Energy Board or the Environmental Assessment Board;

"comité d'aide financière" "funding panel" means an intervenor funding panel appointed under this Part;

"proposant tenu de verser une aide financière" "funding proponent" means a proponent who has been named by a funding panel as a funding proponent;

"intervenant" "intervenor" means a person or group of persons that has been granted status as an intervenor in a proceeding before a board;

"aide financière aux intervenants" "intervenor funding" means funding awarded under this Part to an intervenor in advance of a hearing before a board;

"commission mixte" "joint board" means a joint board established under the *Consolidated Hearings Act, 1981* to consider a matter arising under the *Environmental Assessment Act*, the

1981, c. 20

Projet de loi 174 1988

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

PARTIE I

AIDE FINANCIÈRE AUX INTERVENANTS

1 Les définitions qui suivent s'appliquent à la présente loi. Définitions

«aide financière aux intervenants» Aide financière accordée aux intervenants en vertu de la présente partie avant une audience devant une commission. «intervenor funding»

«comité d'aide financière» Comité d'aide financière aux intervenants constitué aux termes de la présente partie. «funding panel»

«commission» Une commission mixte, la Commission de l'énergie de l'Ontario ou la Commission des évaluations environnementales. «board»

«commission mixte» Commission mixte créée en vertu de la *Loi de 1981 sur la jonction des audiences* pour examiner une question se rapportant à la *Loi sur les évaluations environnementales*, la *Loi sur la protection de l'environnement* ou la *Loi sur les ressources en eau de l'Ontario*. «joint board» 1981, chap. 20 L.R.O. 1980, chap. 140, 141, 361

R.S.O. 1980, cc. 140, 141, 361

Environmental Protection Act or the *Ontario Water Resources Act*;

"proposant"

"proponent" means a party whose undertaking, in the opinion of a funding panel, is the subject-matter of the hearing or another party or individual or corporation, who, in the opinion of a funding panel, is potentially a major financial beneficiary of the decision of the board.

Purpose

2. The purpose of this Part is to provide for the establishment and conduct of a pilot project related to the provision of intervenor funding in proceedings before boards.

Right to apply for intervenor funding

3.—(1) An intervenor in a proceeding before a board may apply to the board, as provided under this Part, for intervenor funding.

Notice

(2) A board shall set out in its notices of hearing,

(a) a statement of the right set out in subsection (1); and

(b) a brief statement of where and when applications for status as an intervenor can be made.

Idem

(3) As soon as all applications for intervenor status have been decided, the board shall notify all intervenors of their right to apply for intervenor funding and it shall forthwith advise the intervenors of the last date for making an application.

Adjournment

(4) After determining all issues related to intervenor status, a board shall not proceed further with a hearing,

(a) until the last date for applying for intervenor funding has passed and no applications are received; or

(b) until the funding panel for the hearing has advised the board that all applications for intervenor funding have been decided if any applications are received.

«intervenant» Personne ou groupe de personnes qui s'est vu accorder la qualité d'intervenant dans une instance devant une commission. «intervenor»

«proposant» Partie dont l'entreprise, de l'avis d'un comité d'aide financière, fait l'objet de l'audience, ou une autre partie, personne physique ou personne morale qui, de l'avis d'un comité d'aide financière, est potentiellement un bénéficiaire financier majeur de la décision de la commission. «proponent»

«proposant tenu de verser une aide financière» Proposant qu'un comité d'aide financière nomme comme proposant tenu de verser une aide financière aux intervenants. «funding proponent»

2 L'objet de la présente partie est de prévoir la mise sur pied et la direction d'un projet pilote visant à fournir une aide financière aux intervenants dans les instances devant les commissions. Objet

3 (1) Un intervenant dans une instance devant une commission peut demander à celle-ci, comme le prévoit la présente partie, une aide financière aux intervenants. Droit de demander une aide financière

(2) Figurent dans les avis d'audience d'une commission : Avis

a) une déclaration relative au droit énoncé au paragraphe (1);

b) une courte déclaration indiquant où et quand les demandes d'octroi de la qualité d'intervenant peuvent être présentées.

(3) Dès qu'une décision a été rendue relativement à toutes les demandes d'octroi de la qualité d'intervenant, la commission avise tous les intervenants de leur droit de faire une demande d'aide financière aux intervenants. Elle avise sans délai les intervenants de la date limite de présentation de cette dernière demande. Idem

(4) Après avoir décidé toutes les questions relatives à la qualité d'intervenant, une commission ne doit pas poursuivre une audience : Ajournement

a) avant que la date limite pour faire une demande d'aide financière aux intervenants ne soit passée, si aucune demande n'a été reçue;

b) avant que le comité d'aide financière constitué pour l'audience ne l'informe qu'il a statué sur toutes les demandes d'aide financière aux intervenants, si des demandes ont été reçues.

Intervenor funding panel required

4.—(1) An intervenor funding panel shall be appointed for a hearing before a board if any applications are received for intervenor funding.

Duty of funding panels

(2) A funding panel shall determine, with respect to the hearing for which it is appointed, all issues related to the determination of who are the proponents and funding proponents and eligibility for intervenor funding and the amount of the funding.

Restriction

(3) A member of a funding panel shall not determine any issue in the hearing for which the panel was appointed other than those referred to in subsection (2).

Composition and appointment of funding panels

5.—(1) Except in the case of a joint board, a funding panel shall consist of one person named by the chairperson of the board from among its members.

Idem

(2) The funding panel of a joint board shall consist of one person named by the chairperson of the Ontario Municipal Board from among its members and one person named by the chairperson of the Environmental Assessment Board from among its members.

Chairperson

(3) The member named under subsection (2) by the chairperson of the Environmental Assessment Board shall be the chairperson of the funding panel of the joint board.

Decision of joint board

(4) If the members of the funding panel of a joint board are unable to reach a common decision, the decision of the panel's chairperson shall be deemed to be the panel's decision.

Funding proponents

6.—(1) Before dealing with any applications for intervenor funding, a funding panel shall determine who is or are the funding proponents.

Notice

(2) For purposes of the determination required by subsection (1), a funding panel shall give notice to a proponent of its intention to name the proponent as a funding proponent.

Hearing

(3) If a proponent who receives a notice under subsection (2) files with the board an objection to being named as a funding proponent, the funding panel shall hold a hearing to determine whether the proponent will be named as a funding proponent.

4 (1) Un comité d'aide financière est constitué pour une audience devant une commission si celle-ci reçoit des demandes d'aide financière aux intervenants. Comité d'aide financière

(2) Un comité d'aide financière décide, relativement à l'audience pour laquelle il a été constitué, toutes les questions relatives à l'identité des proposants, à l'identité des proposants tenus de verser une aide financière, à l'admissibilité des demandeurs à l'aide financière aux intervenants et au montant de l'aide financière accordée. Devoir des comités d'aide financière

(3) Un membre d'un comité d'aide financière ne doit trancher, à l'audience pour laquelle le comité a été constitué, aucune question qui n'est pas visée au paragraphe (2). Réserve

5 (1) Sauf dans le cas d'une commission mixte, un comité d'aide financière se compose d'une personne nommée par le président de la commission parmi les membres de celle-ci. Composition et constitution des comités d'aide financière

(2) Le comité d'aide financière d'une commission mixte se compose d'une personne nommée par le président de la Commission des affaires municipales de l'Ontario parmi les membres de celle-ci et d'une personne nommée par le président de la Commission des évaluations environnementales parmi les membres de celle-ci. Idem

(3) Le membre nommé aux termes du paragraphe (2) par le président de la Commission des évaluations environnementales préside le comité d'aide financière de la commission mixte. Président

(4) Si les membres du comité d'aide financière d'une commission mixte ne peuvent pas s'entendre sur une décision, la décision du président du comité est réputée la décision du comité. Décision de la commission mixte

6 (1) Avant de traiter une demande d'aide financière aux intervenants, un comité d'aide financière décide de l'identité des proposants tenus de verser une aide financière. Proposants tenus de verser une aide financière

(2) Aux fins de la décision qu'exige le paragraphe (1), un comité d'aide financière avise un proposant de son intention de nommer le proposant comme proposant tenu de verser une aide financière aux intervenants. Avis

(3) Si un proposant qui reçoit un avis aux termes du paragraphe (2) dépose auprès de la commission une objection à être nommé comme proposant tenu de verser une aide financière, le comité d'aide financière tient une audience pour décider si le proposant sera nommé comme proposant tenu de verser une aide financière. Audience

Deemed funding proponent

(4) A proponent who does not file an objection within the time allowed by the funding panel shall be named as a funding proponent.

Power of board

(5) A funding panel may decide that there is no funding proponent.

Party status

(6) A funding proponent is entitled to be a party to hearings before the funding panel and with respect to applications under section 12.

Eligibility for intervenor funding

7.—(1) Intervenor funding may be awarded only in relation to issues,

(a) which, in the opinion of the funding panel, affect a significant segment of the public; and

(b) which, in the opinion of the funding panel, affect the public interest and not just private interests.

Idem

(2) In deciding whether to award intervenor funding to an intervenor, the funding panel shall consider whether,

(a) the intervenor represents a clearly ascertainable interest that should be represented at the hearing;

(b) separate and adequate representation of the interest would assist the board and contribute substantially to the hearing;

(c) the intervenor does not have sufficient financial resources to enable it to adequately represent the interest;

(d) the intervenor has made reasonable efforts to raise funding from other sources;

(e) the intervenor has an established record of concern for and commitment to the interest;

(f) the intervenor has attempted to bring related interests of which it was aware into an umbrella group to represent the related interests at the hearing;

(g) the intervenor has a clear proposal for its use of any funds which might be awarded; and

(4) Un proposant qui ne dépose pas d'objection dans le délai imparti par le comité d'aide financière est nommé comme proposant tenu de verser une aide financière. Réputé proposant tenu de verser une aide financière

(5) Le comité d'aide financière peut décider qu'il n'y a aucun proposant tenu de verser une aide financière. Pouvoir du comité

(6) Un proposant tenu de verser une aide financière est partie aux audiences devant le comité d'aide financière, ainsi qu'aux demandes présentées en vertu de l'article 12. Partie à l'audience

7 (1) L'aide financière aux intervenants n'est accordée qu'à l'égard de questions qui, de l'avis du comité d'aide financière : Admissibilité à une aide financière aux intervenants

a) touchent une partie importante du public;

b) concernent l'intérêt public et non seulement des intérêts privés.

(2) Lorsqu'il décide s'il doit accorder à un intervenant l'aide financière aux intervenants, le comité d'aide financière examine si : Idem

a) l'intervenant représente un intérêt clairement établi qu'il y a lieu de représenter à l'audience;

b) une représentation distincte et satisfaisante de l'intérêt serait utile à la commission et contribuerait de façon importante à l'audience;

c) l'intervenant ne dispose pas de ressources financières suffisantes pour lui permettre de représenter l'intérêt de façon satisfaisante;

d) l'intervenant a fait des efforts raisonnables pour se procurer des fonds par d'autres moyens;

e) l'intervenant s'est prononcé et engagé en faveur de l'intérêt par le passé;

f) l'intervenant a tenté d'effectuer un regroupement d'intérêts connexes dont il a connaissance à des fins de représentation à l'audience;

g) l'intervenant a clairement formulé l'utilisation qu'il se propose de faire des fonds qui pourraient lui être octroyés;

(h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award.

Idem

(3) In determining the amount of an award of intervenor funding, the funding panel shall,

(a) if the proposal includes the use of lawyers in private practice, assess legal fees at the legal aid rate under the legal aid plan in effect on the day of the award for work necessarily and reasonably performed;

(b) set a ceiling in respect of disbursements that may be paid as part of the award and such disbursements shall be restricted to eligible disbursements;

(c) deduct from the award funds that are reasonably available to the applicant from other sources.

Idem

(4) A funding panel may award intervenor funding subject to such conditions as it sets out in its order.

Definition "débours remboursables"

(5) In clause (3) (b), "eligible disbursements" means disbursements for consultants, expert witnesses, typing, printing, copying and transcripts necessary for the representation of the interest and such other expenditures as may be named in the regulations made under this Part as eligible disbursements.

Proponent to pay

8.—(1) An award of intervenor funding is an award against the funding proponent named in the order of the funding panel and shall be paid by the funding proponent at the times and in the amounts specified in the panel's order.

Idem

(2) If there is more than one funding proponent, the funding panel may determine the proportion of an award of intervenor funding that each funding proponent shall pay.

Idem

(3) If the funding panel is of the opinion that an award of intervenor funding will result in significant financial hardship to the funding proponent, the panel may refuse to make the award or it may reduce the size of the award.

Supervision

9.—(1) It is a condition of every award of intervenor funding that the intervenor in whose favour an award is made allow the board under whose jurisdiction the award was made, or its agents, access to the books and records of the intervenor to insure that conditions set by the funding panel are being or have been met.

h) l'intervenant dispose de moyens comptables suffisants pour garantir que les fonds octroyés, le cas échéant, sont utilisés aux fins reconnues.

Idem (3) Lorsqu'il décide du montant accordé au titre de l'aide financière aux intervenants, le comité d'aide financière :

a) évalue les frais de justice pour les travaux nécessaires et raisonnables effectués, selon le barème du régime d'aide juridique en vigueur à la date de l'octroi de l'aide financière, si la proposition comprend le recours à des avocats établis en pratique privée;

b) fixe un plafond à l'égard des débours qui peuvent être versés comme partie du montant accordé, ces débours étant limités aux débours remboursables;

c) déduit du montant accordé les sommes que l'auteur de la demande peut raisonnablement se procurer par d'autres moyens.

Idem (4) Un comité d'aide financière peut soumettre l'octroi d'une aide financière aux intervenants aux conditions qu'il énonce dans son ordre.

Définition «eligible disbursements» (5) À l'alinéa (3) b), «débours remboursables» s'entend des débours pour les experts-conseils, les témoins experts et les travaux de dactylographie, d'impression, de photocopie et de transcription nécessaires à la représentation de l'intérêt et toute autre dépense qualifiée de remboursable dans les règlements pris en application de la présente partie.

Remboursement par le proposant **8** (1) Le proposant tenu de verser une aide financière nommé dans l'ordre du comité d'aide financière est condamné à verser l'aide financière accordée dans les délais et aux montants précisés dans cet ordre.

Idem (2) S'il y a plus d'un proposant tenu de verser une aide financière, le comité d'aide financière peut déterminer la part de l'aide financière aux intervenants que verse chaque proposant tenu de verser une aide financière.

Idem (3) Si le comité d'aide financière est d'avis que la condamnation à verser une aide financière aux intervenants entraînera un préjudice financier grave pour le proposant tenu de verser une aide financière, il peut refuser d'accorder le montant ou le diminuer.

Supervision **9** (1) Les montants accordés au titre de l'aide financière aux intervenants le sont à la condition que l'intervenant bénéficiaire du montant donne à la commission compétente ou à

Enforcement of conditions

(2) If an intervenor fails without reasonable cause to comply with the conditions of an award, the intervenor and its directors and officers, upon the order of the board, shall be jointly and severally liable to repay to the proponent the amount of the award, or such part thereof, as the board may order.

Rules

10. Rules regulating the practice and procedure for matters to be determined under this Act in relation to hearings before a board may be made in the same manner as rules regulating the practice and procedure of the board.

Regulations

11. The Lieutenant Governor in Council may make regulations naming expenditures that shall be considered to be eligible disbursements.

Supplementary funding

12.—(1) An intervenor who has received intervenor funding may apply to the board at any time up to the end of the hearing for supplementary funding and the board may award the funding if it is of the opinion, having regard to all of the circumstances, that the original award was inadequate.

Idem

(2) Sections 7 to 11 apply with necessary modifications to supplementary funding.

Costs

(3) The amount of intervenor funding received by an intervenor shall be deducted by the board from any costs awarded to the intervenor.

Appeals

13.—(1) An appeal lies only on a matter of law with respect to a decision on intervenor funding.

High Court

(2) An appeal shall be commenced by way of application to the High Court and shall be heard by a single judge.

Powers of judge

(3) If the judge finds an error of law, the judge may,

(a) make any order or decision that the funding panel or board, as the case may be, ought to have or could have made;

(b) order a rehearing by the funding panel or the board, as the case may be;

ses représentants accès à ses livres et dossiers afin de garantir que les conditions imposées par le comité d'aide financière sont ou ont été respectées.

Mise à exécution

(2) Si un intervenant, sans motifs valables, ne se conforme pas aux conditions de l'octroi d'une aide financière, l'intervenant, ses administrateurs et ses dirigeants sont solidairement tenus de rembourser au proposant, sur ordre de la commission, tout ou partie du montant accordé, selon ce qu'ordonne la commission.

Règles

10 Des règles peuvent être établies pour régir la pratique et la procédure relatives aux questions à trancher aux termes de la présente loi dans le cadre d'audiences devant une commission, de la même manière que les règles pour régir la pratique et la procédure de la commission.

Règlements

11 Le lieutenant-gouverneur en conseil peut, par règlement, énumérer les dépenses qui constituent des débours remboursables.

Aide financière supplémentaire

12 (1) Un intervenant qui a reçu une aide financière aux intervenants peut, jusqu'à la fin de l'audience, présenter à la commission une demande d'aide financière supplémentaire. La commission peut accorder cette aide financière si elle estime, eu égard à l'ensemble des circonstances, que le montant initialement accordé était insuffisant.

Idem

(2) Les articles 7 à 11 s'appliquent, avec les adaptations nécessaires, à l'aide financière supplémentaire.

Dépens

(3) La commission déduit des dépens adjugés à un intervenant le montant de l'aide financière aux intervenants obtenue par l'intervenant.

Appels

13 (1) Il peut être interjeté appel uniquement d'une question de droit relative à une décision sur l'aide financière aux intervenants.

Haute Cour

(2) Un appel est introduit par voie de requête présentée à la Haute Cour. Il est entendu par un seul juge.

Pouvoirs du juge

(3) Si le juge constate une erreur de droit, il peut :

a) rendre l'ordonnance ou prendre la décision que le comité d'aide financière ou la commission, selon le cas, aurait dû ou aurait pu rendre ou prendre;

b) ordonner une nouvelle audition par le comité d'aide financière ou par la commission, selon le cas;

(c) dismiss the appeal.

Crown bound

14. This Part binds the Crown.

Application

15. This Part applies only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Repeal

16.—(1) This Part is repealed on the day that is three years after the day it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

Transitional

(2) Proceedings commenced before the repeal of this Part shall be taken up and completed as if it had not been repealed.

PART II

AMENDMENTS TO CERTAIN ACTS

17. Section 7 of the *Consolidated Hearings Act, 1981*, being chapter 20, is amended by adding thereto the following subsection:

Considerations not limited

(7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court.

18. Section 18 of the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Costs

(16a) The Board may award the costs of a proceeding before it.

Payment

(16b) The Board may order to whom and by whom the costs are to be paid.

Assessment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed.

Considerations not limited

(16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

19. Subsections 33 (5), (6), (7) and (8) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 22, are repealed.

c) rejeter l'appel.

La Couronne est liée

14 La présente partie lie la Couronne.

Champ d'application

15 La présente partie s'applique uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article.

Abrogation

16 (1) La présente partie est abrogée trois ans après son entrée en vigueur ou à une date ultérieure que le lieutenant-gouverneur fixe par proclamation.

Disposition transitoire

(2) Les instances introduites avant l'abrogation de la présente partie sont poursuivies et menées à bien comme si la présente partie n'avait pas été abrogée.

PARTIE II

MODIFICATION DE CERTAINES LOIS

17 L'article 7 de la *Loi de 1981 sur la jonction des audiences*, qui constitue le chapitre 20, est modifié par adjonction du paragraphe suivant :

Considerations not limited

(7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court.

18 L'article 18 de la *Loi sur les évaluations environnementales*, qui constitue le chapitre 140 des Lois refondues de l'Ontario de 1980, est modifié par adjonction des paragraphes suivants :

Costs

(16a) The Board may award the costs of a proceeding before it.

Payment

(16b) The Board may order to whom and by whom the costs are to be paid.

Assessment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed.

Considerations not limited

(16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

19 Les paragraphes 33 (5), (6), (7) et (8) de la *Loi sur la protection de l'environnement*, qui constitue le chapitre 141 des Lois refondues de l'Ontario de 1980, adoptés par l'article 22 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.

20. Section 28 of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Considerations not limited

(5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

21. Subsections 53 (5), (6), (7) and (8) of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 53, are repealed.

Application

22. The amendments set out in sections 17, 18 and 20 apply only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the *Intervenor Funding Project Act, 1988*.

20 **L'article 28 de la *Loi sur la Commission de l'énergie de l'Ontario*, qui constitue le chapitre 332 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant :**

(5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court. Considerations not limited

21 **Les paragraphes 53 (5), (6), (7) et (8) de la *Loi sur les ressources en eau de l'Ontario*, qui constitue le chapitre 361 des Lois refondues de l'Ontario de 1980, adoptés par l'article 53 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.**

22 Les modifications indiquées aux articles 17, 18 et 20 s'appliquent uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article. Champ d'application

23 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en vigueur

24 Le titre abrégé de la présente loi est *Loi de 1988 sur le projet d'aide financière aux intervenants*. Titre abrégé

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Bill 174

1ST SESSION, 34TH LEGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Bill 174

(Chapter 71
Statutes of Ontario, 1988)

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards

The Hon. I. Scott
Attorney General

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University of Toronto

1st Reading	June 29th, 1988
2nd Reading	December 14th, 1988
3rd Reading	December 15th, 1988
Royal Assent	December 15th, 1988

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Projet de loi 174

1re SESSION, 34e LÉGISLATURE, ONTARIO
37 ELIZABETH II, 1988

Projet de loi 174

(Chapitre 71
Lois de l'Ontario de 1988)

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

L'honorable I. Scott
procureur général

1re lecture	29 juin 1988
2e lecture	14 décembre 1988
3e lecture	15 décembre 1988
sanction royale	15 décembre 1988

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Bill 174 1988

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERVENOR FUNDING

Definitions

1. In this Part,

"commission" "board" means a joint board, the Ontario Energy Board or the Environmental Assessment Board;

"comité d'aide financière" "funding panel" means an intervenor funding panel appointed under this Part;

"proposant tenu de verser une aide financière" "funding proponent" means a proponent who has been named by a funding panel as a funding proponent;

"intervenant" "intervenor" means a person or group of persons that has been granted status as an intervenor in a proceeding before a board;

"aide financière aux intervenants" "intervenor funding" means funding awarded under this Part to an intervenor in advance of a hearing before a board;

"commission mixte" "joint board" means a joint board established under the *Consolidated Hearings Act, 1981* to consider a matter arising under the *Environmental Assessment Act*, the

1981, c. 20

Projet de loi 174 1988

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

PARTIE I

AIDE FINANCIÈRE AUX INTERVENANTS

1 Les définitions qui suivent s'appliquent à la présente loi. Définitions

«aide financière aux intervenants» Aide financière accordée aux intervenants en vertu de la présente partie avant une audience devant une commission. «intervenor funding»

«comité d'aide financière» Comité d'aide financière aux intervenants constitué aux termes de la présente partie. «funding panel»

«commission» Une commission mixte, la Commission de l'énergie de l'Ontario ou la Commission des évaluations environnementales. «board»

«commission mixte» Commission mixte créée en vertu de la *Loi de 1981 sur la jonction des audiences* pour examiner une question se rapportant à la *Loi sur les évaluations environnementales*, la *Loi sur la protection de l'environnement* ou la *Loi sur les ressources en eau de l'Ontario*. «joint board» 1981, chap. 20 L.R.O. 1980, chap. 140, 141, 361

R.S.O. 1980, cc. 140, 141, 361

Environmental Protection Act or the *Ontario Water Resources Act*;

"proposant"

"proponent" means a party whose undertaking, in the opinion of a funding panel, is the subject-matter of the hearing or another party or individual or corporation, who, in the opinion of a funding panel, is potentially a major financial beneficiary of the decision of the board.

Purpose

2. The purpose of this Part is to provide for the establishment and conduct of a pilot project related to the provision of intervenor funding in proceedings before boards.

Right to apply for intervenor funding

3.—(1) An intervenor in a proceeding before a board may apply to the board, as provided under this Part, for intervenor funding.

Notice

(2) A board shall set out in its notices of hearing,

(a) a statement of the right set out in subsection (1); and

(b) a brief statement of where and when applications for status as an intervenor can be made.

Idem

(3) As soon as all applications for intervenor status have been decided, the board shall notify all intervenors of their right to apply for intervenor funding and it shall forthwith advise the intervenors of the last date for making an application.

Adjournment

(4) After determining all issues related to intervenor status, a board shall not proceed further with a hearing,

(a) until the last date for applying for intervenor funding has passed and no applications are received; or

(b) until the funding panel for the hearing has advised the board that all applications for intervenor funding have been decided if any applications are received.

«intervenant» Personne ou groupe de personnes qui s'est vu accorder la qualité d'intervenant dans une instance devant une commission. «intervenor»

«proposant» Partie dont l'entreprise, de l'avis d'un comité d'aide financière, fait l'objet de l'audience, ou une autre partie, personne physique ou personne morale qui, de l'avis d'un comité d'aide financière, est potentiellement un bénéficiaire financier majeur de la décision de la commission. «proponent»

«proposant tenu de verser une aide financière» Proposant qu'un comité d'aide financière nomme comme proposant tenu de verser une aide financière aux intervenants. «funding proponent»

2 L'objet de la présente partie est de prévoir la mise sur pied et la direction d'un projet pilote visant à fournir une aide financière aux intervenants dans les instances devant les commissions. Objet

3 (1) Un intervenant dans une instance devant une commission peut demander à celle-ci, comme le prévoit la présente partie, une aide financière aux intervenants. Droit de demander une aide financière

(2) Figurent dans les avis d'audience d'une commission : Avis

a) une déclaration relative au droit énoncé au paragraphe (1);

b) une courte déclaration indiquant où et quand les demandes d'octroi de la qualité d'intervenant peuvent être présentées.

(3) Dès qu'une décision a été rendue relativement à toutes les demandes d'octroi de la qualité d'intervenant, la commission avise tous les intervenants de leur droit de faire une demande d'aide financière aux intervenants. Elle avise sans délai les intervenants de la date limite de présentation de cette dernière demande. Idem

(4) Après avoir décidé toutes les questions relatives à la qualité d'intervenant, une commission ne doit pas poursuivre une audience : Ajournement

a) avant que la date limite pour faire une demande d'aide financière aux intervenants ne soit passée, si aucune demande n'a été reçue;

b) avant que le comité d'aide financière constitué pour l'audience ne l'informe qu'il a statué sur toutes les demandes d'aide financière aux intervenants, si des demandes ont été reçues.

Intervenor funding panel required

4.—(1) An intervenor funding panel shall be appointed for a hearing before a board if any applications are received for intervenor funding.

Duty of funding panels

(2) A funding panel shall determine, with respect to the hearing for which it is appointed, all issues related to the determination of who are the proponents and funding proponents and eligibility for intervenor funding and the amount of the funding.

Restriction

(3) A member of a funding panel shall not determine any issue in the hearing for which the panel was appointed other than those referred to in subsection (2).

Composition and appointment of funding panels

5.—(1) Except in the case of a joint board, a funding panel shall consist of one person named by the chairperson of the board from among its members.

Idem

(2) The funding panel of a joint board shall consist of one person named by the chairperson of the Ontario Municipal Board from among its members and one person named by the chairperson of the Environmental Assessment Board from among its members.

Chairperson

(3) The member named under subsection (2) by the chairperson of the Environmental Assessment Board shall be the chairperson of the funding panel of the joint board.

Decision of joint board

(4) If the members of the funding panel of a joint board are unable to reach a common decision, the decision of the panel's chairperson shall be deemed to be the panel's decision.

Funding proponents

6.—(1) Before dealing with any applications for intervenor funding, a funding panel shall determine who is or are the funding proponents.

Notice

(2) For purposes of the determination required by subsection (1), a funding panel shall give notice to a proponent of its intention to name the proponent as a funding proponent.

Hearing

(3) If a proponent who receives a notice under subsection (2) files with the board an objection to being named as a funding proponent, the funding panel shall hold a hearing to determine whether the proponent will be named as a funding proponent.

Comité d'aide financière

4 (1) Un comité d'aide financière est constitué pour une audience devant une commission si celle-ci reçoit des demandes d'aide financière aux intervenants.

Devoir des comités d'aide financière

(2) Un comité d'aide financière décide, relativement à l'audience pour laquelle il a été constitué, toutes les questions relatives à l'identité des proposants, à l'identité des proposants tenus de verser une aide financière, à l'admissibilité des demandeurs à l'aide financière aux intervenants et au montant de l'aide financière accordée.

Réserve

(3) Un membre d'un comité d'aide financière ne doit trancher, à l'audience pour laquelle le comité a été constitué, aucune question qui n'est pas visée au paragraphe (2).

Composition et constitution des comités d'aide financière

5 (1) Sauf dans le cas d'une commission mixte, un comité d'aide financière se compose d'une personne nommée par le président de la commission parmi les membres de celle-ci.

Idem

(2) Le comité d'aide financière d'une commission mixte se compose d'une personne nommée par le président de la Commission des affaires municipales de l'Ontario parmi les membres de celle-ci et d'une personne nommée par le président de la Commission des évaluations environnementales parmi les membres de celle-ci.

Président

(3) Le membre nommé aux termes du paragraphe (2) par le président de la Commission des évaluations environnementales préside le comité d'aide financière de la commission mixte.

Décision de la commission mixte

(4) Si les membres du comité d'aide financière d'une commission mixte ne peuvent pas s'entendre sur une décision, la décision du président du comité est réputée la décision du comité.

Proposants tenus de verser une aide financière

6 (1) Avant de traiter une demande d'aide financière aux intervenants, un comité d'aide financière décide de l'identité des proposants tenus de verser une aide financière.

Avis

(2) Aux fins de la décision qu'exige le paragraphe (1), un comité d'aide financière avise un proposant de son intention de nommer le proposant comme proposant tenu de verser une aide financière aux intervenants.

Audience

(3) Si un proposant qui reçoit un avis aux termes du paragraphe (2) dépose auprès de la commission une objection à être nommé comme proposant tenu de verser une aide financière, le comité d'aide financière tient une audience pour décider si le proposant sera nommé comme proposant tenu de verser une aide financière.

Deemed funding proponent

(4) A proponent who does not file an objection within the time allowed by the funding panel shall be named as a funding proponent.

Power of board

(5) A funding panel may decide that there is no funding proponent.

Party status

(6) A funding proponent is entitled to be a party to hearings before the funding panel and with respect to applications under section 12.

Eligibility for intervenor funding

7.—(1) Intervenor funding may be awarded only in relation to issues,

(a) which, in the opinion of the funding panel, affect a significant segment of the public; and

(b) which, in the opinion of the funding panel, affect the public interest and not just private interests.

Idem

(2) In deciding whether to award intervenor funding to an intervenor, the funding panel shall consider whether,

(a) the intervenor represents a clearly ascertainable interest that should be represented at the hearing;

(b) separate and adequate representation of the interest would assist the board and contribute substantially to the hearing;

(c) the intervenor does not have sufficient financial resources to enable it to adequately represent the interest;

(d) the intervenor has made reasonable efforts to raise funding from other sources;

(e) the intervenor has an established record of concern for and commitment to the interest;

(f) the intervenor has attempted to bring related interests of which it was aware into an umbrella group to represent the related interests at the hearing;

(g) the intervenor has a clear proposal for its use of any funds which might be awarded; and

(4) Un proposant qui ne dépose pas d'objection dans le délai imparti par le comité d'aide financière est nommé comme proposant tenu de verser une aide financière. Réputé proposant tenu de verser une aide financière

(5) Le comité d'aide financière peut décider qu'il n'y a aucun proposant tenu de verser une aide financière. Pouvoir du comité

(6) Un proposant tenu de verser une aide financière est partie aux audiences devant le comité d'aide financière, ainsi qu'aux demandes présentées en vertu de l'article 12. Partie à l'audience

7 (1) L'aide financière aux intervenants n'est accordée qu'à l'égard de questions qui, de l'avis du comité d'aide financière : Admissibilité à une aide financière aux intervenants

a) touchent une partie importante du public;

b) concernent l'intérêt public et non seulement des intérêts privés.

(2) Lorsqu'il décide s'il doit accorder à un intervenant l'aide financière aux intervenants, le comité d'aide financière examine si : Idem

a) l'intervenant représente un intérêt clairement établi qu'il y a lieu de représenter à l'audience;

b) une représentation distincte et satisfaisante de l'intérêt serait utile à la commission et contribuerait de façon importante à l'audience;

c) l'intervenant ne dispose pas de ressources financières suffisantes pour lui permettre de représenter l'intérêt de façon satisfaisante;

d) l'intervenant a fait des efforts raisonnables pour se procurer des fonds par d'autres moyens;

e) l'intervenant s'est prononcé et engagé en faveur de l'intérêt par le passé;

f) l'intervenant a tenté d'effectuer un regroupement d'intérêts connexes dont il a connaissance à des fins de représentation à l'audience;

g) l'intervenant a clairement formulé l'utilisation qu'il se propose de faire des fonds qui pourraient lui être octroyés;

(h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award.

Idem

(3) In determining the amount of an award of intervenor funding, the funding panel shall,

(a) if the proposal includes the use of lawyers in private practice, assess legal fees at the legal aid rate under the legal aid plan in effect on the day of the award for work necessarily and reasonably performed;

(b) set a ceiling in respect of disbursements that may be paid as part of the award and such disbursements shall be restricted to eligible disbursements;

(c) deduct from the award funds that are reasonably available to the applicant from other sources.

Idem

(4) A funding panel may award intervenor funding subject to such conditions as it sets out in its order.

Definition "débours remboursables"

(5) In clause (3) (b), "eligible disbursements" means disbursements for consultants, expert witnesses, typing, printing, copying and transcripts necessary for the representation of the interest and such other expenditures as may be named in the regulations made under this Part as eligible disbursements.

Proponent to pay

8.—(1) An award of intervenor funding is an award against the funding proponent named in the order of the funding panel and shall be paid by the funding proponent at the times and in the amounts specified in the panel's order.

Idem

(2) If there is more than one funding proponent, the funding panel may determine the proportion of an award of intervenor funding that each funding proponent shall pay.

Idem

(3) If the funding panel is of the opinion that an award of intervenor funding will result in significant financial hardship to the funding proponent, the panel may refuse to make the award or it may reduce the size of the award.

Supervision

9.—(1) It is a condition of every award of intervenor funding that the intervenor in whose favour an award is made allow the board under whose jurisdiction the award was made, or its agents, access to the books and records of the intervenor to insure that conditions set by the funding panel are being or have been met.

h) l'intervenant dispose de moyens comptables suffisants pour garantir que les fonds octroyés, le cas échéant, sont utilisés aux fins reconnues.

Idem

(3) Lorsqu'il décide du montant accordé au titre de l'aide financière aux intervenants, le comité d'aide financière :

a) évalue les frais de justice pour les travaux nécessaires et raisonnables effectués, selon le barème du régime d'aide juridique en vigueur à la date de l'octroi de l'aide financière, si la proposition comprend le recours à des avocats établis en pratique privée;

b) fixe un plafond à l'égard des débours qui peuvent être versés comme partie du montant accordé, ces débours étant limités aux débours remboursables;

c) déduit du montant accordé les sommes que l'auteur de la demande peut raisonnablement se procurer par d'autres moyens.

Idem

(4) Un comité d'aide financière peut soumettre l'octroi d'une aide financière aux intervenants aux conditions qu'il énonce dans son ordre.

Définition «eligible disbursements»

(5) À l'alinéa (3) b), «débours remboursables» s'entend des débours pour les experts-conseils, les témoins experts et les travaux de dactylographie, d'impression, de photocopie et de transcription nécessaires à la représentation de l'intérêt et toute autre dépense qualifiée de remboursable dans les règlements pris en application de la présente partie.

Remboursement par le proposant

8 (1) Le proposant tenu de verser une aide financière nommé dans l'ordre du comité d'aide financière est condamné à verser l'aide financière accordée dans les délais et aux montants précisés dans cet ordre.

Idem

(2) S'il y a plus d'un proposant tenu de verser une aide financière, le comité d'aide financière peut déterminer la part de l'aide financière aux intervenants que verse chaque proposant tenu de verser une aide financière.

Idem

(3) Si le comité d'aide financière est d'avis que la condamnation à verser une aide financière aux intervenants entraînera un préjudice financier grave pour le proposant tenu de verser une aide financière, il peut refuser d'accorder le montant ou le diminuer.

Supervision

9 (1) Les montants accordés au titre de l'aide financière aux intervenants le sont à la condition que l'intervenant bénéficiaire du montant donne à la commission compétente ou à

Enforcement of conditions

(2) If an intervenor fails without reasonable cause to comply with the conditions of an award, the intervenor and its directors and officers, upon the order of the board, shall be jointly and severally liable to repay to the proponent the amount of the award, or such part thereof, as the board may order.

Rules

10. Rules regulating the practice and procedure for matters to be determined under this Act in relation to hearings before a board may be made in the same manner as rules regulating the practice and procedure of the board.

Regulations

11. The Lieutenant Governor in Council may make regulations naming expenditures that shall be considered to be eligible disbursements.

Supplementary funding

12.—(1) An intervenor who has received intervenor funding may apply to the board at any time up to the end of the hearing for supplementary funding and the board may award the funding if it is of the opinion, having regard to all of the circumstances, that the original award was inadequate.

Idem

(2) Sections 7 to 11 apply with necessary modifications to supplementary funding.

Costs

(3) The amount of intervenor funding received by an intervenor shall be deducted by the board from any costs awarded to the intervenor.

Appeals

13.—(1) An appeal lies only on a matter of law with respect to a decision on intervenor funding.

High Court

(2) An appeal shall be commenced by way of application to the High Court and shall be heard by a single judge.

Powers of judge

(3) If the judge finds an error of law, the judge may,

(a) make any order or decision that the funding panel or board, as the case may be, ought to have or could have made;

(b) order a rehearing by the funding panel or the board, as the case may be;

ses représentants accès à ses livres et dossiers afin de garantir que les conditions imposées par le comité d'aide financière sont ou ont été respectées.

Mise à exécution

(2) Si un intervenant, sans motifs valables, ne se conforme pas aux conditions de l'octroi d'une aide financière, l'intervenant, ses administrateurs et ses dirigeants sont solidairement tenus de rembourser au proposant, sur ordre de la commission, tout ou partie du montant accordé, selon ce qu'ordonne la commission.

Règles

10 Des règles peuvent être établies pour régir la pratique et la procédure relatives aux questions à trancher aux termes de la présente loi dans le cadre d'audiences devant une commission, de la même manière que les règles pour régir la pratique et la procédure de la commission.

Règlements

11 Le lieutenant-gouverneur en conseil peut, par règlement, énumérer les dépenses qui constituent des débours remboursables.

Aide financière supplémentaire

12 (1) Un intervenant qui a reçu une aide financière aux intervenants peut, jusqu'à la fin de l'audience, présenter à la commission une demande d'aide financière supplémentaire. La commission peut accorder cette aide financière si elle estime, eu égard à l'ensemble des circonstances, que le montant initialement accordé était insuffisant.

Idem

(2) Les articles 7 à 11 s'appliquent, avec les adaptations nécessaires, à l'aide financière supplémentaire.

Dépens

(3) La commission déduit des dépens adjugés à un intervenant le montant de l'aide financière aux intervenants obtenue par l'intervenant.

Appels

13 (1) Il peut être interjeté appel uniquement d'une question de droit relative à une décision sur l'aide financière aux intervenants.

Haute Cour

(2) Un appel est introduit par voie de requête présentée à la Haute Cour. Il est entendu par un seul juge.

Pouvoirs du juge

(3) Si le juge constate une erreur de droit, il peut :

a) rendre l'ordonnance ou prendre la décision que le comité d'aide financière ou la commission, selon le cas, aurait dû ou aurait pu rendre ou prendre;

b) ordonner une nouvelle audition par le comité d'aide financière ou par la commission, selon le cas;

(c) dismiss the appeal.

Crown bound

14. This Part binds the Crown.

Application

15. This Part applies only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Repeal

16.—(1) This Part is repealed on the day that is three years after the day it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

Transitional

(2) Proceedings commenced before the repeal of this Part shall be taken up and completed as if it had not been repealed.

PART II

AMENDMENTS TO CERTAIN ACTS

17. Section 7 of the *Consolidated Hearings Act, 1981*, being chapter 20, is amended by adding thereto the following subsection:

Considerations not limited

(7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court.

18. Section 18 of the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Costs

(16a) The Board may award the costs of a proceeding before it.

Payment

(16b) The Board may order to whom and by whom the costs are to be paid.

Assessment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed.

Considerations not limited

(16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

19. Subsections 33 (5), (6), (7) and (8) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 22, are repealed.

c) rejeter l'appel.

14 La présente partie lie la Couronne. La Couronne est liée

15 La présente partie s'applique uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article. Champ d'application

16 (1) La présente partie est abrogée trois ans après son entrée en vigueur ou à une date ultérieure que le lieutenant-gouverneur fixe par proclamation. Abrogation

(2) Les instances introduites avant l'abrogation de la présente partie sont poursuivies et menées à bien comme si la présente partie n'avait pas été abrogée. Disposition transitoire

PARTIE II

MODIFICATION DE CERTAINES LOIS

17 L'article 7 de la *Loi de 1981 sur la jonction des audiences*, qui constitue le chapitre 20, est modifié par adjonction du paragraphe suivant :

(7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court. Considerations not limited

18 L'article 18 de la *Loi sur les évaluations environnementales*, qui constitue le chapitre 140 des Lois refondues de l'Ontario de 1980, est modifié par adjonction des paragraphes suivants :

(16a) The Board may award the costs of a proceeding before it. Costs

(16b) The Board may order to whom and by whom the costs are to be paid. Payment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed. Assessment

(16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court. Considerations not limited

19 Les paragraphes 33 (5), (6), (7) et (8) de la *Loi sur la protection de l'environnement*, qui constitue le chapitre 141 des Lois refondues de l'Ontario de 1980, adoptés par l'article 22 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.

20. Section 28 of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Considerations not limited

(5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.

21. Subsections 53 (5), (6), (7) and (8) of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 53, are repealed.

Application

22. The amendments set out in sections 17, 18 and 20 apply only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the *Intervenor Funding Project Act, 1988*.

20 L'article 28 de la *Loi sur la Commission de l'énergie de l'Ontario*, qui constitue le chapitre 332 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant :

(5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court. Considerations not limited

21 Les paragraphes 53 (5), (6), (7) et (8) de la *Loi sur les ressources en eau de l'Ontario*, qui constitue le chapitre 361 des Lois refondues de l'Ontario de 1980, adoptés par l'article 53 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.

22 Les modifications indiquées aux articles 17, 18 et 20 s'appliquent uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article. Champ d'application

23 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en vigueur

24 Le titre abrégé de la présente loi est *Loi de 1988 sur le projet d'aide financière aux intervenants*. Titre abrégé

Bill 175 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 175

An Act respecting transfers of Water

The Hon. V. Kerrio
Minister of Natural Resources

1st Reading June 29th, 1988
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly by the
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EXPLANATORY NOTES

The purpose of the Bill is to ensure for Ontario and Canada a secure supply of water.

The Bill prohibits the transfer of water out of a provincial drainage basin without the approval of the Minister of Natural Resources. The Minister is authorized to attach conditions to an approval and to require payment for a transfer of water. Approval will be refused or revoked if the Minister is of the opinion that the transfer is or may be detrimental to ensuring a secure water supply for Ontario or Canada or any part thereof.

Bill 175 1988

An Act respecting transfers of Water

Preamble

Whereas water is a precious and limited resource that is vital to the long-term social, environmental and economic well-being of Ontario; and whereas the Province has a responsibility to ensure a secure supply of water for Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"approval" means the approval of the Minister under subsection 4 (1);

"inspector" means a person who is appointed by the Minister as an inspector under section 10;

"Minister" means the Minister of Natural Resources;

"prescribed" means prescribed by the regulations;

"provincial drainage basin" means a part of Ontario the water of which drains into,

(a) the Ottawa River,

(b) Lake Ontario or Lake Erie,

(c) Lake Superior or Lake Huron,

(d) the Nelson River, or

(e) Hudson Bay or James Bay;

"regulations" means the regulations made under this Act;

"water" means natural surface and ground water in liquid, gaseous or solid state, but does not include bottled or otherwise packaged spring water or mineral water.

Prohibition

2. No person shall transfer water out of a provincial drainage basin by any means without the written approval of the Minister.

Information required

3. A person who requests approval to transfer water out of a provincial drainage basin shall submit to the Minister plans, reports, studies and other information as are prescribed or as may be requested by the Minister.

Approval subject to conditions and payment

4.—(1) The Minister may approve a transfer of water out of a provincial drainage basin subject to such conditions and subject to the payment to the Crown of such amount as the Minister considers appropriate.

Manner and terms of payment

(2) The amount to be paid to the Crown for a transfer of water under subsection (1) may be a lump sum, a fixed periodic payment, an amount calculated according to the quantity of water transferred, or any combination thereof, and may be made payable on such terms as are prescribed or as the Minister determines.

Approval not transferable

5. An approval is not transferable.

Refusal

6. The Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin if, in the Minister's opinion, the transfer may be detrimental to ensuring a secure water supply for Ontario or Canada or any part thereof.

Conditions and payments changed, etc.

7. The Minister may at any time,

(a) waive or revoke a condition attached to an approval;

(b) change a condition attached to an approval;

(c) attach a new condition to an approval; or

(d) change the amount or terms of the payment required to be paid to the Crown for the transfer of water.

Revocation

8. If at any time after the Minister has given an approval, the Minister is of the opinion that the transfer is or may be detrimental to ensuring a secure water supply for Ontario or Canada or any part thereof, the Minister shall revoke the approval.

Act applies despite trade agreement

9.—(1) Sections 4, 6, 7 and 8 apply despite the trade agreement signed on the 2nd day of January, 1988 by the Government of Canada and the Government of the United

States of America or any law of Canada implementing the agreement.

(2) Without limiting the generality of subsection (1), the Minister may exercise any discretion under this Act, and the Lieutenant Governor in Council may make regulations, such that preferences are given to transfers of water within Canada. Preferences to transfers in Canada

10.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors. Inspectors

(2) In an appointment under subsection (1), the Minister may limit the duties or the authority, or both, of an inspector in such manner as the Minister considers appropriate. Limitation

11.—(1) An inspector shall determine, Inspectors, duties

(a) if section 2 is being or has been contravened;

(b) if the conditions attached to a consent are being complied with;

(c) if the amount of money owed to the Crown is or has been paid to the Crown; or

(d) if an order issued under subsection 15 (5) or 16 (1) is being complied with.

(2) An inspector, for the purpose of carrying out his or her duties, Powers

(a) may enter any place at any reasonable time;

(b) may stop any vehicle or vessel at any reasonable time;

(c) may inspect any place or thing;

(d) may require that any machine or thing be operated or used;

(e) may request the production for inspection of any documents or things;

(f) upon giving a receipt therefor, may remove from a place documents or things produced pursuant to a request under clause (e) for the purpose of making copies or extracts and shall promptly return them to the person who produced them; and

(g) may record or copy any information by any method.

Entry to dwellings

12.—(1) A person shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant under this section.

Warrant for search

(2) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to the carrying out of an inspector's duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing the inspector named in the warrant to search the place for any such documents or things and to remove them for the purposes of making copies or extracts and they shall be returned promptly to the place from which they were removed.

Warrant for entry

(3) Where a justice of the peace is satisfied on evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that an inspector may carry out his or her duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing such entry.

Authority given by warrant

(4) A warrant issued under subsection (3) authorizes the inspector to whom it is issued, by force if necessary, and together with such police officers as the inspector calls upon for assistance, to do anything set out in section 11 and specified in the warrant.

Execution of warrant

(5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry of warrant

(6) A warrant issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Application without notice

(7) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner or occupier of the place named in the warrant.

Admissibility of copies

13. Copies of, or extracts from, documents and things removed from a place under this Act and certified as being true copies of the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Obstruction of inspector

14.—(1) No person shall hinder, obstruct or interfere with an inspector in the execution of a warrant or otherwise impede an inspector in carrying out his or her duties under this Act.

Idem

(2) Subsection (1) is not contravened where a person refuses to produce documents or things, or to operate or use machines or things, unless a warrant has been issued under section 12.

False information

(3) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector for the purpose of carrying out his or her duties under this Act.

Offences

15.—(1) Every person who contravenes section 2 or 14 is guilty of an offence.

Breach of condition

(2) Every person who breaches a condition attached to an approval is guilty of an offence.

Penalty for individuals

(3) Every individual who is convicted of an offence under this section is liable,

(a) on a first conviction, to a fine of not more than $50,000 for each day or part of a day on which the offence occurs or continues; and

(b) on each subsequent conviction, to a fine of not more than $100,000 for each day or part of a day on which the offence occurs or continues.

Penalty for corporations

(4) Every corporation that is convicted of an offence under this section is liable,

(a) on a first conviction, to a fine of not more than $250,000 for each day or part of a day on which the offence occurs or continues; and

(b) on each subsequent conviction, to a fine of not more than $500,000 for each day or part of a day on which the offence occurs or continues.

Restraining order upon conviction

(5) In addition to any penalty imposed under subsection (3) or (4), the court that convicts a person of an offence under this Act, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Restraining order

16.—(1) Upon the application of counsel for the Attorney General to the Supreme Court or District Court, the court may make an order restraining a person from transferring water out of a provincial drainage basin without an approval.

Idem

(2) An order under subsection (1) is in addition to any penalty that may be imposed and may be made whether or not proceedings have been commenced for a contravention of section 2.

Regulations

17. The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and providing for their use;

(b) governing applications for an approval;

(c) prescribing plans, reports, studies and information to be submitted by applicants;

(d) prescribing and governing the books, records and accounts that shall be kept by persons transferring water out of a provincial drainage basin;

(e) prescribing and governing the reports and returns to be made to the Minister;

(f) prescribing methods of calculating the amount of the payment required to be paid to the Crown for a transfer of water under this Act;

(g) prescribing the terms of the payment required to be paid to the Crown for a transfer of water under this Act;

(h) requiring that security be deposited by a person who has obtained an approval and prescribing the form, terms, conditions and amount of such security.

Commencement

18. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

19. The short title of this Act is the *Water Transfer Control Act, 1988*.

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Government Publications

Bill 175

An Act respecting transfers of Water

The Hon. V. Kerrio
Minister of Natural Resources

1st Reading June 29th, 1988
2nd Reading February 9th, 1989
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly by the
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EXPLANATORY NOTES

The purpose of the Bill is to ensure for Ontario and Canada a secure supply of water.

The Bill prohibits the transfer of water out of a provincial drainage basin without the approval of the Minister of Natural Resources. The Minister is authorized to attach conditions to an approval and to require payment for a transfer of water. Approval will be refused or revoked if the Minister is of the opinion that the transfer is or may be detrimental to ensuring a secure water supply for Ontario or any part thereof.

Bill 175 1988

An Act respecting transfers of Water

Preamble

Whereas water is a precious and limited resource that is vital to the long-term social, environmental and economic well-being of Ontario; and whereas the Province has a responsibility to ensure a secure supply of water for Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

"approval" means the approval of the Minister under subsection 4 (1);

"inspector" means a person who is appointed by the Minister as an inspector under section 9;

"Minister" means the Minister of Natural Resources;

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act;

"water" means natural surface and ground water in liquid, gaseous or solid state, but does not include spring or mineral water bottled as a beverage for human consumption.

Interpretation

(2) For the purposes of this Act, Ontario is divided into four provincial drainage basins as follows:

1. Lake Ontario, Lake Erie, Lake Huron, Lake Superior and the St. Lawrence River and the part of Ontario the water of which drains into any of them.

2. The Ottawa River and the part of Ontario the water of which drains into it.

3. The part of Ontario the water of which drains into the Nelson River.

4. The part of Ontario the water of which drains into Hudson Bay or James Bay.

Prohibition

2. No person shall transfer water out of a provincial drainage basin by any means without the written approval of the Minister.

Information required

3. A person who requests approval to transfer water out of a provincial drainage basin shall submit to the Minister plans, reports, studies and other information as are prescribed or as may be requested by the Minister.

Approval subject to conditions and payment

4.—(1) The Minister may approve a transfer of water out of a provincial drainage basin subject to such conditions and subject to the payment to the Crown of such amount as the Minister considers appropriate.

Manner and terms of payment

(2) The amount to be paid to the Crown for a transfer of water under subsection (1) may be a lump sum, a fixed periodic payment, an amount calculated according to the quantity of water transferred, or any combination thereof, and may be made payable on such terms as are prescribed or as the Minister determines.

Approval not transferable

5. An approval is not transferable.

Refusal

6.—(1) The Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin if, in the Minister's opinion, the transfer may be detrimental to ensuring a secure water supply for Ontario or any part thereof.

Refusal to transfer outside Canada

(2) Despite the trade agreement signed on the 2nd day of January, 1988 by the Government of Canada and the Government of the United States of America or any law of Canada implementing the agreement, the Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin to a place outside Canada.

Conditions and payments changed, etc.

7. The Minister may at any time,

(a) waive or revoke a condition attached to an approval;

(b) change a condition attached to an approval;

(c) attach a new condition to an approval; or

(d) change the amount or terms of the payment required to be paid to the Crown for the transfer of water.

8. If at any time after the Minister has given an approval the Minister is of the opinion that the transfer is or may be detrimental to ensuring a secure water supply for Ontario or any part thereof, the Minister shall revoke the approval. Revocation

9.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors. Inspectors

(2) In an appointment under subsection (1), the Minister may limit the duties or the authority, or both, of an inspector in such manner as the Minister considers appropriate. Limitation

10.—(1) An inspector shall determine, Inspectors, duties

(a) if section 2 is being or has been contravened;

(b) if the conditions attached to a consent are being complied with;

(c) if the amount of money owed to the Crown is or has been paid to the Crown; or

(d) if an order issued under subsection 14 (5) or 15 (1) is being complied with.

(2) An inspector, for the purpose of carrying out his or her duties, Powers

(a) may enter any place at any reasonable time;

(b) may stop any vehicle or vessel at any reasonable time;

(c) may inspect any place or thing;

(d) may require that any machine or thing be operated or used;

(e) may request the production for inspection of any documents or things;

(f) upon giving a receipt therefor, may remove from a place documents or things produced pursuant to a request under clause (e) for the purpose of making copies or extracts and shall promptly return them to the person who produced them; and

(g) may record or copy any information by any method.

Entry to dwellings

11.—(1) A person shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant under this section.

Warrant for search

(2) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to the carrying out of an inspector's duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing the inspector named in the warrant to search the place for any such documents or things and to remove them for the purposes of making copies or extracts and they shall be returned promptly to the place from which they were removed.

Warrant for entry

(3) Where a justice of the peace is satisfied on evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that an inspector may carry out his or her duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing such entry.

Authority given by warrant

(4) A warrant issued under subsection (3) authorizes the inspector to whom it is issued, by force if necessary, and together with such police officers as the inspector calls upon for assistance, to do anything set out in section 10 and specified in the warrant.

Execution of warrant

(5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry of warrant

(6) A warrant issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Application without notice

(7) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner or occupier of the place named in the warrant.

Admissibility of copies

12. Copies of, or extracts from, documents and things removed from a place under this Act and certified as being true copies of the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Obstruction of inspector

13.—(1) No person shall hinder, obstruct or interfere with an inspector in the execution of a warrant or otherwise

impede an inspector in carrying out his or her duties under this Act.

Idem

(2) Subsection (1) is not contravened where a person refuses to produce documents or things, or to operate or use machines or things, unless a warrant has been issued under section 11.

False information

(3) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector for the purpose of carrying out his or her duties under this Act.

Offences

14.—(1) Every person who contravenes section 2 or 13 is guilty of an offence.

Breach of condition

(2) Every person who breaches a condition attached to an approval is guilty of an offence.

Penalty for individuals

(3) Every individual who is convicted of an offence under this section is liable,

(a) on a first conviction, to a fine of not more than $50,000 for each day or part of a day on which the offence occurs or continues; and

(b) on each subsequent conviction, to a fine of not more than $100,000 for each day or part of a day on which the offence occurs or continues.

Penalty for corporations

(4) Every corporation that is convicted of an offence under this section is liable,

(a) on a first conviction, to a fine of not more than $250,000 for each day or part of a day on which the offence occurs or continues; and

(b) on each subsequent conviction, to a fine of not more than $500,000 for each day or part of a day on which the offence occurs or continues.

Restraining order upon conviction

(5) In addition to any penalty imposed under subsection (3) or (4), the court that convicts a person of an offence under this Act, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Restraining order

15.—(1) Upon the application of counsel for the Attorney General to the Supreme Court or District Court, the court

may make an order restraining a person from transferring water out of a provincial drainage basin without an approval.

Idem

(2) An order under subsection (1) is in addition to any penalty that may be imposed and may be made whether or not proceedings have been commenced for a contravention of section 2.

Regulations

16. The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and providing for their use;

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(e) prescribing and governing the reports and returns to be made to the Minister;

(f) prescribing methods of calculating the amount of the payment required to be paid to the Crown for a transfer of water under this Act;

(g) prescribing the terms of the payment required to be paid to the Crown for a transfer of water under this Act;

(h) requiring that security be deposited by a person who has obtained an approval and prescribing the form, terms, conditions and amount of such security;

(i) prescribing, by content, size or type of container, or any other characteristic, what is or is not considered to be spring or mineral water bottled as a beverage for human consumption for the purpose of the definition of water.

Commencement

17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

18. The short title of this Act is the *Water Transfer Control Act, 1989*.

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1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 175

(Chapter 18
Statutes of Ontario, 1989)

An Act respecting transfers of Water

The Hon. V. Kerrio
Minister of Natural Resources

LIBRARY

1st Reading	June 29th, 1988
2nd Reading	February 9th, 1989
3rd Reading	March 1st, 1989
Royal Assent	March 2nd, 1989

Printed under authority of the Legislative Assembly by the
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Bill 175 1988

An Act respecting transfers of Water

Preamble

Whereas water is a precious and limited resource that is vital to the long-term social, environmental and economic well-being of Ontario; and whereas the Province has a responsibility to ensure a secure supply of water for Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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"water" means natural surface and ground water in liquid, gaseous or solid state, but does not include spring or mineral water bottled as a beverage for human consumption.

Interpretation

(2) For the purposes of this Act, Ontario is divided into four provincial drainage basins as follows:

1. Lake Ontario, Lake Erie, Lake Huron, Lake Superior and the St. Lawrence River and the part of Ontario the water of which drains into any of them.

2. The Ottawa River and the part of Ontario the water of which drains into it.

3. The part of Ontario the water of which drains into the Nelson River.

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2. No person shall transfer water out of a provincial drainage basin by any means without the written approval of the Minister.

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5. An approval is not transferable.

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6.—(1) The Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin if, in the Minister's opinion, the transfer may be detrimental to ensuring a secure water supply for Ontario or any part thereof.

Refusal to transfer outside Canada

(2) Despite the trade agreement signed on the 2nd day of January, 1988 by the Government of Canada and the Government of the United States of America or any law of Canada implementing the agreement, the Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin to a place outside Canada.

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13.—(1) No person shall hinder, obstruct or interfere with an inspector in the execution of a warrant or otherwise

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(4) Every corporation that is convicted of an offence under this section is liable,

(a) on a first conviction, to a fine of not more than $250,000 for each day or part of a day on which the offence occurs or continues; and

(b) on each subsequent conviction, to a fine of not more than $500,000 for each day or part of a day on which the offence occurs or continues.

Restraining order upon conviction

(5) In addition to any penalty imposed under subsection (3) or (4), the court that convicts a person of an offence under this Act, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Restraining order

15.—(1) Upon the application of counsel for the Attorney General to the Supreme Court or District Court, the court

may make an order restraining a person from transferring water out of a provincial drainage basin without an approval.

Idem

(2) An order under subsection (1) is in addition to any penalty that may be imposed and may be made whether or not proceedings have been commenced for a contravention of section 2.

Regulations

16. The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and providing for their use;

(b) governing applications for an approval;

(c) prescribing plans, reports, studies and information to be submitted by applicants;

(d) prescribing and governing the books, records and accounts that shall be kept by persons transferring water out of a provincial drainage basin;

(e) prescribing and governing the reports and returns to be made to the Minister;

(f) prescribing methods of calculating the amount of the payment required to be paid to the Crown for a transfer of water under this Act;

(g) prescribing the terms of the payment required to be paid to the Crown for a transfer of water under this Act;

(h) requiring that security be deposited by a person who has obtained an approval and prescribing the form, terms, conditions and amount of such security;

(i) prescribing, by content, size or type of container, or any other characteristic, what is or is not considered to be spring or mineral water bottled as a beverage for human consumption for the purpose of the definition of water.

Commencement

17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

18. The short title of this Act is the *Water Transfer Control Act, 1989*.

Bill 176 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 176

An Act to amend the Employment Standards Act

Mr. Kanter

1st Reading June 29th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to permit an employee who adopts a child to take up to seventeen weeks of leave following the placement of a child with the employee for the purpose of adoption. Adoption leave will be available to either the adoptive father or adoptive mother.

Bill 176 1988

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XI of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by striking out the heading "PREGNANCY LEAVE" and inserting in lieu thereof "PREGNANCY AND ADOPTION LEAVE".

2. The said Act is amended by adding thereto the following section:

Adoption leave

37a.—(1) An employer shall grant to an employee a leave of absence of at least seventeen weeks or such shorter period as the employee may in writing request from the time a child is placed with the employee for the purpose of adoption by an adoption agency or a person licensed under section 176 of the *Child and Family Services Act, 1984*.

1984, c. 55

Entitlement to leave

(2) Every employee who has been employed by the employer for a period of twelve months immediately preceding the day of placement and who makes application therefor within such time as is reasonable in the circumstances shall be entitled to a leave of absence as provided by subsection (1).

Leave may be shortened

(3) An employee may with the consent of the employer or upon giving the employer four week's notice shorten the duration of the leave of absence requested under subsection (1).

Verification

(4) An employee shall, upon the request of the employer, provide the employer with a letter from the adoption agency or licensed person verifying the proposed adoption.

No penalty for leave

(5) No employer shall terminate or lay off an employee or impose any penalty upon an employee because the employee has taken or intends to take a leave of absence under this section.

One adoptive parent entitled to leave

(6) This section entitles only one of the two adoptive parents who are employees to a leave of absence in respect of the placement for adoption of the same child and the adoptive parents shall determine as between themselves who is entitled to the leave.

3. Section 38 of the said Act is repealed and the following substituted therefor:

Reinstatement

38.—(1) Upon the expiry of any leave of absence under this Part, the employer shall, upon the employee's return to work, reinstate the employee to the employee's regular position or provide the employee with alternative work of a comparable nature at not less than the wages being paid for such position.

Idem

(2) Where the employer has suspended or discontinued operations during the leave of absence and has not resumed operations upon the expiry of the leave of absence, the employer shall, upon resumption of operations, reinstate the employee to the employee's regular position or to alternate work in accordance with an established seniority system or practice of the employer in existence at the time the leave of absence began with no loss of seniority or benefits accrued to the commencement of the leave of absence and, in the absence of such a system or practice, shall reinstate the employee in accordance with subsection (1).

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Employment Standards Amendment Act, 1988*.

CA20N
LE
-356

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 177

An Act to amend the Occupational Health and Safety Act

Mr. Hampton



1st Reading October 19th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to provide that a ship under construction or repair and a shipyard are subject to the provisions of the *Occupational Health and Safety Act* and its regulations.

Bill 177 1988

An Act to amend the Occupational Health and Safety Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Sub-subparagraph E of subparagraph i of paragraph 10 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is amended by inserting after "locomotives" in the first line "ships".

(2) Paragraph 23 of the said section 1 is amended by adding thereto the following subparagraph:

ia. the construction or repair of a ship.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Occupational Health and Safety Amendment Act, 1988*. Short title

CA2ON
XB
-B52

Bill 178

An Act to amend the Homes for the Aged and Rest Homes Act

Mr. Reville



1st Reading October 19th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to prevent the discharge of a resident from a rest home or a home for the aged without the approval of a physician independent of the home and without ensuring that there are suitable alternative accommodations for the resident. The amendment is similar to the requirements for discharge from a nursing home under the regulations to the *Nursing Homes Act*.

Bill 178 1988

An Act to amend the Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of the *Homes for the Aged and Rest Homes Act*, being chapter 203 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Discharge of residents from homes

19.—(1) Except as provided in subsection (3), no resident shall be discharged from a home or joint home unless,

(a) a discharge order by a physician other than the physician of the home or joint home has been recorded on the medical record;

(b) arrangements have been made to provide services and accommodation suitable to meet the needs of the resident being discharged; and

(c) the resident and the resident's next-of-kin or legal representative, as the case may be, have been notified of the proposed discharge twenty-four hours prior to the discharge of the resident from the nursing home.

Exception

(2) When a resident of a home or joint home is to be admitted to a hospital and circumstances do not permit the twenty-four hours notice required under clause (1) (c), the next-of-kin or legal representative shall be notified as soon as possible of the proposed discharge of the resident.

Consent

(3) A resident who wishes to terminate arrangements for care with a home or joint home may be discharged only after the resident, or where he or she lacks the mental capacity, the resident's legal representative has signed a statement declaring that the resident wishes to leave the nursing home and the res-

ident's next-of-kin or legal representative, as the case may be, has been notified twenty-four hours prior to the discharge.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Homes for the Aged and Rest Homes Amendment Act, 1988*.

CA20N
XB
-B56

Bill 179 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 179

An Act for the Provision and Integration of Community Based Services for Seniors

Ms Bryden

LIBRARY

1st Reading October 19th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTES

The Bill creates a framework for the provision of community based support services for seniors and the integration of these services with established programs and facilities. It is intended that the support services will give seniors greater independence and will prevent their unnecessary institutionalization by giving them access to programs that will assist them in carrying out day-to-day tasks.

The Bill allows the responsible Minister to establish community health and social service centres in each municipality, whose functions include the provision of support services for seniors. Where possible, the centres would be integrated with community health facilities established by the regulations under the *Ministry of Health Act* or with centres approved under the *Elderly Persons Centres Act*. The Bill also permits the Minister to provide support services through agreements with non-profit organizations or municipalities.

The support services contemplated by the Bill are listed in subsection 7 (2). In addition to the services provided directly to seniors, the Bill provides for assistance to individuals who have assumed responsibility for the care of seniors, through counselling and arranging for respite care.

Bill 179 **1988**

An Act for the Provision and Integration of Community Based Services for Seniors

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purposes

1. The purposes of this Act are,

(a) to promote the independence, dignity and well-being of seniors;

(b) to prevent unnecessary institutionalization of seniors;

(c) to provide a continuum of support services for seniors in accordance with their changing needs and their individual circumstances;

(d) to ensure that support services are provided to seniors in a manner that allows them to be an integral part of the community in which they live; and

(e) to assist family members and other individuals who have assumed responsibility for the care of seniors.

Definitions

2. In this Act,

"community health and social service centre" means a community health and social service centre established under section 4;

"community program" means a program or service for seniors that is not provided as a support service under this Act and includes a program or service provided by a non-profit organization;

"health services" includes the services of a chiropodist registered under the *Chiropody Act*; R.S.O. 1980, c. 72

"Minister" means the minister of the Crown who is designated under section 3;

"prescribed" means prescribed by the regulations made under this Act;

"senior" means a person sixty years of age or older;

"support service" means a support service mentioned in subsection 7 (2).

Responsible minister

3. The Lieutenant Governor in Council may by order designate a minister of the Crown as the minister responsible for the administration of this Act.

Community health and social service centre

4.—(1) The Minister may establish community health and social service centres in particular municipalities.

Integration of facilities

R.S.O. 1980, cc. 280, 131

(2) Where possible, a centre established under subsection (1) shall be integrated with community health facilities established by the regulations under the *Ministry of Health Act* or with approved centres under the *Elderly Persons Centres Act*.

Functions of community health and social service centre

(3) The functions of a community health and social service centre are,

(a) to provide support services;

(b) to co-ordinate the community programs available in the municipality in order to eliminate gaps and duplication in the provision of community programs and support services;

(c) to assist seniors in gaining access to community programs and support services;

(d) to serve as a base from which home help programs are carried out;

(e) to provide office space and administrative support to non-profit organizations that provide community programs;

(f) to advocate the interests of seniors as a group within the community;

(g) to develop programs to facilitate the de-institutionalization of seniors; and

(h) to carry out such programs as may be prescribed by or under this or any other act.

Provision of services

5. Where the Minister provides support services in a municipality, the support services,

(a) shall, unless it is impractical to do so, be provided by a community health and social service centre;

(b) shall be aimed at encouraging seniors' independence; and

(c) shall be co-ordinated and organized so that a senior may obtain information about, or access to, any community program or support service available in the municipality through a single telephone call.

Provision of services other than through community health and social centres

6.—(1) If it is impractical for support services to be provided by a community health and social service centre in a municipality, the Minister may make agreements with non-profit organizations and municipalities for the provision of support services.

Agreements between ministries

(2) The Minister may enter into agreements with other ministers for the provision of support services or the integration of support services and community programs.

Universal access to support services

7.—(1) Where the Minister provides support services in a municipality, every senior in the municipality is entitled to those support services without regard to his or her financial resources.

Support services

(2) The following support services may be provided to seniors and to such other classes of persons as may be prescribed:

1. Individual evaluations and counselling.

2. Social, recreational and exercise programs.

3. Meal programs.

4. Medical, health, psychological and dental services, including referrals and follow-up programs.

5. Educational programs, including, but not limited to, preventative medical and dental counselling, nutritional counselling and financial counselling.

6. Information and referral services regarding local community programs, including programs involving seniors' advocates.

7. Interpretation services.

8. Full or part-time day programs that incorporate social activities and rehabilitative care.

9. Home help programs.

10. Assistance in the performance of routine tasks away from the senior's home.

11. Daily contact by telephone or in person.

12. Transportation services.

13. Temporary short-term or long-term care to provide respite for the family members or other individuals who have assumed responsibility for the care of a senior without remuneration.

14. Emergency respite services.

15. Counselling and other assistance for the family members and other individuals mentioned in paragraph 13.

16. A service that is prescribed as a support service.

Provision of support services at home

(3) Where appropriate, a support service mentioned in subsection (2) may be provided in the senior's home.

Respite care

(4) Respite care provided under paragraph 13 or 14 of subsection (2) shall be provided in a manner that encourages the senior's independence.

Report to Minister

8.—(1) Every person responsible for the provision of a support service shall make a report to the Minister, whenever the Minister requests it, in the form and containing the information specified by the Minister.

Public access to report

(2) Subject to subsection (3), every person has a right of access to a report provided to the Minister under subsection (1).

Confidentiality

(3) The Minister shall not disclose information from a report in a way that identifies the senior or other person

receiving a support service to whom the information relates, except with the consent of that person.

Regulations

9. The Lieutenant Governor in Council may make regulations,

(a) prescribing programs to be carried out at community health and social centres;

(b) prescribing classes of persons for the purposes of subsection 7 (2);

(c) prescribing services as support services;

(d) governing the accommodation, facilities and equipment to be provided,

(i) in buildings in which support services are provided, and

(ii) in the course of the provision of support services;

(e) prescribing the qualifications, powers and duties of persons employed in providing support services or any class of support services;

(f) requiring persons responsible for providing support services to keep records and prescribing the form and content of those records;

(g) prescribing forms and providing for their use.

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. The short title of this Act is the *Seniors' Independence Act, 1988*.

CA2ON
XB
-B56

Bill 180 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 180

An Act to amend the Occupational Health and Safety Act

The Hon. G. Sorbara
Minister of Labour



1st Reading October 20th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to amend the *Occupational Health and Safety Act* to authorize the making of the Workplace Hazardous Materials Information System (WHMIS) Regulation.

Bill 180 **1988**

An Act to amend the Occupational Health and Safety Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 22b (1), (2) and (3) of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:

Hazardous material identification and data sheets

(1) An employer,

(a) shall ensure that all hazardous materials present in the work place are identified in the prescribed manner;

(b) shall obtain or prepare, as may be prescribed, an unexpired material safety data sheet for all hazardous materials present in the work place; and

(c) shall ensure that the identification required by clause (a) and material safety data sheets required by clause (b) are available in English and such other languages as may be prescribed.

Prohibition

(2) No person shall remove or deface the identification described in clause (1)(a) for a hazardous material.

Hazardous material not to be used

(3) An employer shall ensure that a hazardous material is not used, handled or stored at a work place unless the prescribed requirements concerning identification, material safety data sheets and worker instruction and training are met.

2. Section 22c of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding thereto the following subsection:

Idem

(5a) An employer who makes a material safety data sheet readily accessible on a computer terminal at a work place,

(a) shall take all reasonable steps necessary to keep the terminal in working order;

(b) shall give a worker upon request a copy of the material safety data sheet; and

(c) shall teach all workers who work with or in proximity to hazardous materials, the health and safety representative, if any, at the work place and the members of the committee how to retrieve the material safety data sheet on the computer terminal.

3.—(1) Subsections 22e (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:

Confidential business information

(1) An employer may file a claim with the claims board for an exemption from disclosing,

(a) information required under this Part in an inventory, label or material safety data sheet; or

(b) the name of a toxicological study used by the employer to prepare a material safety data sheet,

on the grounds that it is confidential business information.

Idem

(1a) An application under subsection (1) shall be made only in respect of such types of confidential business information as may be prescribed.

Powers and duties of the claims board

S.C. 1987, c. 30

(2) The claims board shall exercise the powers and perform the functions of the Hazardous Materials Information Review Commission under sections 11 to 18 and 20 to 27 of the *Hazardous Materials Information Review Act* (Canada).

(2) Subsection 22e (5) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "and" in the fourth line "for three years".

4. Subsection 22g (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "developed" in the second line "and implemented".

5. Subsection 34 (1) of the said Act is amended by adding thereto the following clauses:

(aa) no inspector or other person who receives directly or indirectly from the claims board designated under subsection 22e (7) information provided to the claims board by an employer shall disclose it;

. . . . .

(ba) no person shall use or disclose to any person information acquired, furnished, obtained or received under this Act or the regulations that is confidential business information or in respect of which a claim is pending under subsection 22e (1).

6. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7, is further amended by adding thereto the following paragraphs:

4a. exempting an employer from the requirements of clause 22b (1)(a) or (b) with respect to a hazardous material;

. . . . .

25. prohibiting an employer from altering a label on a hazardous material in prescribed circumstances;

26. prescribing the criteria to be used by the claims board to determine whether information is confidential business information in an application under subsection 22e (1);

27. requiring an employer to disclose to such persons as may be prescribed the source of toxicological data used by the employer to prepare a material safety data sheet;

28. prescribing the format and contents of a material safety data sheet.

WHMIS Regulation

7. The Regulation known as the Workplace Hazardous Materials Information System (WHMIS) Regulation is not invalid by reason only of the fact that this Act was not in force at the time it was made.

Commencement

8. This Act shall be deemed to have come into force on the 31st day of October, 1988.

Short title

9. The short title of this Act is the *Occupational Health and Safety Amendment Act, 1988*.

XB
-B56

Bill 180

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 180

(Chapter 58
Statutes of Ontario, 1988)

An Act to amend the Occupational Health and Safety Act

The Hon. G. Sorbara
Minister of Labour

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Ministry of Labour

1st Reading	October 20th, 1988
2nd Reading	November 1st, 1988
3rd Reading	November 2nd, 1988
Royal Assent	November 2nd, 1988

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Bill 180 1988

An Act to amend the Occupational Health and Safety Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 22b (1), (2) and (3) of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:

Hazardous material identification and data sheets

(1) An employer,

(a) shall ensure that all hazardous materials present in the work place are identified in the prescribed manner;

(b) shall obtain or prepare, as may be prescribed, an unexpired material safety data sheet for all hazardous materials present in the work place; and

(c) shall ensure that the identification required by clause (a) and material safety data sheets required by clause (b) are available in English and such other languages as may be prescribed.

Prohibition

(2) No person shall remove or deface the identification described in clause (1)(a) for a hazardous material.

Hazardous material not to be used

(3) An employer shall ensure that a hazardous material is not used, handled or stored at a work place unless the prescribed requirements concerning identification, material safety data sheets and worker instruction and training are met.

2. Section 22c of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding thereto the following subsection:

Idem

(5a) An employer who makes a material safety data sheet readily accessible on a computer terminal at a work place,

(a) shall take all reasonable steps necessary to keep the terminal in working order;

(b) shall give a worker upon request a copy of the material safety data sheet; and

(c) shall teach all workers who work with or in proximity to hazardous materials, the health and safety representative, if any, at the work place and the members of the committee how to retrieve the material safety data sheet on the computer terminal.

3.—(1) Subsections 22e (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:

Confidential business information

(1) An employer may file a claim with the claims board for an exemption from disclosing,

(a) information required under this Part in an inventory, label or material safety data sheet; or

(b) the name of a toxicological study used by the employer to prepare a material safety data sheet,

on the grounds that it is confidential business information.

Idem

(1a) An application under subsection (1) shall be made only in respect of such types of confidential business information as may be prescribed.

Powers and duties of the claims board

S.C. 1987, c. 30

(2) The claims board shall exercise the powers and perform the functions of the Hazardous Materials Information Review Commission under sections 11 to 18 and 20 to 27 of the *Hazardous Materials Information Review Act* (Canada).

(2) Subsection 22e (5) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "and" in the fourth line "for three years".

4. Subsection 22g (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "developed" in the second line "and implemented".

5. Subsection 34 (1) of the said Act is amended by adding thereto the following clauses:

(aa) no inspector or other person who receives directly or indirectly from the claims board designated under subsection 22e (7) information provided to the claims board by an employer shall disclose it;

. . . . .

(ba) no person shall use or disclose to any person information acquired, furnished, obtained or received under this Act or the regulations that is confidential business information or in respect of which a claim is pending under subsection 22e (1).

6. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7, is further amended by adding thereto the following paragraphs:

4a. exempting an employer from the requirements of clause 22b (1) (a) or (b) with respect to a hazardous material;

. . . . .

25. prohibiting an employer from altering a label on a hazardous material in prescribed circumstances;

26. prescribing the criteria to be used by the claims board to determine whether information is confidential business information in an application under subsection 22e (1);

27. requiring an employer to disclose to such persons as may be prescribed the source of toxicological data used by the employer to prepare a material safety data sheet;

28. prescribing the format and contents of a material safety data sheet.

7. The Regulation known as the Workplace Hazardous Materials Information System (WHMIS) Regulation is not invalid by reason only of the fact that this Act was not in force at the time it was made.

WHMIS Regulation

Commencement

8. This Act shall be deemed to have come into force on the 31st day of October, 1988.

Short title

9. The short title of this Act is the *Occupational Health and Safety Amendment Act, 1988*.

LAJON
XB
-B56

Bill 181 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 181

An Act to amend the Legislative Assembly Act

Mr. Epp



1st Reading October 20th, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTES

The principal purpose of the Bill is to prohibit the service of civil process in the Legislative Building, a room or place in which a committee of the Assembly is meeting or in an office of a member of the Assembly (other than a constituency office) that is designated by the Speaker. Breach of the prohibition would be dealt with as a contempt of the Assembly. (Section 2 and subsection 3 (2)).

The Bill also deletes reference to the archaic concept of "molestation" in a civil cause. (Section 1 and subsection 3 (1)).

Bill 181 **1988**

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is amended by striking out "detention or molestation" in the second line and inserting in lieu thereof "or detention".

2. The said Act is amended by adding thereto the following section:

38a. No person shall make a personal service that is required or authorized by law in a civil matter upon another person, Service of civil process

(a) in the Legislative Building;

(b) in a room or place in Ontario in which a duly constituted committee of the Assembly is meeting; or

(c) in an office of a member of the Assembly, other than a constituency office, that is situate outside the Legislative Building, and that is designated by the Speaker for the purposes of this section.

3.—(1) Paragraph 11 of subsection 45 (1) of the said Act is amended by striking out "detention or molestation" in the first and second lines and inserting in lieu thereof "or detention".

(2) Subsection 45 (1) of the said Act is amended by adding thereto the following paragraph:

12. Making a service upon a person in contravention of section 38a. Service of civil process

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Legislative Assembly Amendment Act, 1988*.

CA2ON
XB
-B56

Bill 181

(Chapter 72
Statutes of Ontario, 1988)

An Act to amend the Legislative Assembly Act

Mr. Epp

LIBRARY

1st Reading	October 20th, 1988
2nd Reading	December 8th, 1988
3rd Reading	December 15th, 1988
Royal Assent	December 15th, 1988

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Bill 181 **1988**

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is amended by striking out "detention or molestation" in the second line and inserting in lieu thereof "or detention".

2. The said Act is amended by adding thereto the following section:

38a. No person shall make a personal service that is required or authorized by law in a civil matter upon another person, Service of civil process

(a) in the Legislative Building;

(b) in a room or place in Ontario in which a duly constituted committee of the Assembly is meeting; or

(c) in an office of a member of the Assembly, other than a constituency office, that is situate outside the Legislative Building, and that is designated by the Speaker for the purposes of this section.

3.—(1) Paragraph 11 of subsection 45 (1) of the said Act is amended by striking out "detention or molestation" in the first and second lines and inserting in lieu thereof "or detention".

(2) Subsection 45 (1) of the said Act is amended by adding thereto the following paragraph:

12. Making a service upon a person in contravention of section 38a. Service of civil process

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Legislative Assembly Amendment Act, 1988*.

CA2ON
XB
-B56

Bill 182 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 182

An Act to amend the Ontario Housing Corporation Act

Mr. Harris

1st Reading October 24th, 1988
2nd Reading
3rd Reading
Royal Assent



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EXPLANATORY NOTE

The purpose of the Bill is to require the position of chairman of the Ontario Housing Corporation to be a full-time position.

Bill 182 **1988**

An Act to amend the Ontario Housing Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of the *Ontario Housing Corporation Act*, being chapter 339 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(1a) The position of chairman shall be a full-time position. Chairman full-time

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Ontario Housing Corporation Amendment Act, 1988*. Short title

CA2ON
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-B56

Government
Publications

Bill 183 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 183

An Act to amend the Environmental Protection Act

Mr. Sterling

1st Reading October 25th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to require a public hearing to be held before a certificate of approval is issued in respect of a hauled sewage system for the disposal of hauled sewage.

Bill 183 1988

An Act to amend the Environmental Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 65 (1) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 52, section 9, is amended by striking out "subsection (2)" in the first line and inserting in lieu thereof "subsections (1a) and (2)".

(2) Section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 52, section 9, is amended by adding thereto the following subsections:

Hauled sewage, public hearing required

(1a) No certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of a hauled sewage system for the disposal of hauled sewage shall be issued unless the Director, before issuing the certificate of approval, holds a public hearing.

Application of subs. 30 (2), s. 33

(1b) Subsection 30 (2) and section 33 apply with necessary modifications to the public hearing required by subsection (1a).

. . . . .

Definitions

(7) In subsection (1a),

"hauled sewage" means sewage that,

(a) is not finally disposed of at the site where it is produced and is not carried away by a sewer approved under the *Ontario Water Resources Act*, and R.S.O. 1980, c. 361

(b) is stored or retained at the site where it is produced for periodic collection, handling, treatment, transportation, storage or processing prior to final disposal at a place other than where it was produced,

and includes sewage that is removed from a sewage system for purposes of cleaning or maintaining the system but does not include the sewage in a sewer collection system that transfers the sewage from the site where it is produced to a sewage system which is prescribed by the regulations and located on a separate property;

"hauled sewage system" means works, installations, equipment, operations and land used in connection with the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage but does not include,

(a) equipment used for the storage or retention of sewage at the site where it is produced, or

(b) a sewage works approved under section 24 of the *Ontario Water Resources Act* or a predecessor thereof.

R.S.O. 1980, c. 361

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Environmental Protection Amendment Act, 1988*.

CA2ON
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-B56

Bill 184

An Act to amend the Ontario Energy Board Act

Mr. Charlton

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1st Reading November 2nd, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to give the Ontario Energy Board additional powers to regulate rates and to investigate matters such as capacity, price and source of supply.

Bill 184 1988

An Act to amend the Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

(7) The Board has power to investigate capacity reserve margins and other liability criteria and the adequacy of supply from sources from outside Ontario. Investigation

(8) Where the Board conducts an investigation under subsection (7), it shall report the results of the investigation to the Minister. Report

2. Subsection 27 (1) of the said Act is amended by adding thereto the following clause:

(e) make rules governing its practice and procedure in any matter required to be done under clause 35 (1) (ba), (ha) or (hb).

3. Subsection 35 (1) of the said Act is amended by adding thereto the following clauses:

(ba) authorizing and requiring the Board to fix rates pursuant to a public hearing held under section 37 and prescribing the conditions and circumstances when the Board shall fix rates pursuant to a public hearing;

. . . . .

(ha) authorizing the Board to regulate rate levels and structures and prescribing the methods and procedures to be followed when so regulating;

(hb) authorizing the Board to regulate the supply and prices to be paid to non-utility producers and prescribing the methods and procedures to be followed when so regulating.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Ontario Energy Board Amendment Act, 1988*.

CA2ON
XB
-B56

Bill 185

An Act to amend the Game and Fish Act

Mr. Wildman

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1st Reading November 3rd, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to require hunters to wear not less than 3,250 square centimetres (approximately 500 square inches) of blaze orange material or such other quantity of coloured material as the regulations may permit.

Bill 185

1988

An Act to amend the Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Game and Fish Act*, being chapter 182 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

19a. No person shall hunt unless wearing, Prohibition, clothing of hunters

(a) clothing showing at least 3,250 square centimetres of blaze orange material; or

(b) such quantity of such coloured material as may be authorized in the regulations.

2. Section 92 of the said Act is amended by adding thereto the following paragraph:

42a. prescribing the colour of and the amount of colour and the manner in which clothing shall be worn while hunting.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Game and Fish Amendment Act, 1988*. Short title

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-B56

Government Publication

Bill 186 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 186

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

The Hon. C. Ward
Minister of Education



1st Reading November 15th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The Bill provides for the allocation of moneys received from Canada in the form of a payment or grant in lieu of taxes for school purposes by prescribed municipalities where a Canadian Forces Base is located to the school boards that have jurisdiction in the prescribed municipalities.

Pupils who live on a Canadian Forces Base in a prescribed municipality will be entitled to attend a school operated by a school board that has jurisdiction in the municipality where the base is located without the parent or guardian or the Department of National Defence being required to pay a tuition fee.

The Bill is effective from the 1st day of January, 1988 so that payments made by Canada in 1988 can be allocated for school board purposes for this year. Payments that were made in 1986 and 1987 are to be adjusted in 1988 between the municipalities and Canada.

Bill 186 1988

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"board" means a board as defined in paragraph 3 of subsection 1 (1) of the *Education Act*, other than a board established under section 70 of the *Education Act*, or The Metropolitan Toronto French-language School Council and The Ottawa-Carleton French-language School Board but includes the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board; R.S.O. 1980, c. 129

"commercial assessment" means according to the last returned assessment roll,

(a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or a province or territory of Canada, or a board, agency or commission thereof, or a municipal corporation or a local board thereof,

(b) business assessment, and

(c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"defence property" means the prescribed lands and premises of defence establishments belonging to Canada;

"French-language instructional unit" and "French-speaking person" have the same meaning as in section 257a of the *Education Act*;

R.S.O. 1980, c. 129

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act;

"residential and farm assessment" according to the last returned assessment roll, means the assessment for real property, except for the assessment for real property referred to in clauses (a) and (c) of the definition "commercial assessment";

"weighted assessment", in respect of a prescribed municipality for a year, means the sum of,

(a) the residential and farm assessment of the prescribed municipality used for taxation in that year, and

(b) an amount of assessment that is equal to the quotient obtained by dividing the commercial assessment for that year by 0.85,

determined for elementary school purposes or secondary school purposes, or both, as the case requires.

Allocation to boards

2.—(1) A prescribed municipality that receives in a year, or that is entitled to receive in a year, a payment or grant in lieu of taxes from Canada in respect of defence property for school purposes shall allocate to the boards that have jurisdiction in the municipality that portion of the payment or grant that is prescribed.

Proportion of allocation

(2) The portion of the amount of the payment or grant in lieu of taxes referred to in subsection (1) received or receivable by the prescribed municipality shall be allocated to the boards that have jurisdiction in the municipality in the ratio that the weighted assessment supporting each board in the municipality bears to the total of the weighted assessment supporting the boards in the municipality.

Adjustment of allocation

(3) An amount that is allocated to a board under this section shall be deducted from,

(a) the requisition of the board that makes an apportionment to the prescribed municipality by means of a requisition; or

(b) the requisition submitted by a metropolitan corporation for the school purposes of a board of education having jurisdiction in the prescribed municipality,

and the net amount of the requisition shall be the amount included in the levy for the purposes of section 158 of the *Municipal Act*. R.S.O. 1980, c. 302

(4) An amount that is allocated to a board under this section shall be used to adjust the mill rate required to be levied for school purposes by the prescribed municipality by a board that makes an apportionment by such means and the rate as adjusted to reflect the allocation to that board, despite subsection 133 (1) of the *Education Act*, shall be the rate levied for school purposes for that board in the prescribed municipality. Idem R.S.O. 1980, c. 129

(5) An allocation under this section shall be made for elementary school purposes or for secondary school purposes or for both elementary school purposes and secondary school purposes as may be prescribed and shall be deemed to be revenue of the board from taxes levied for such school purposes. Allocation for elementary or secondary purposes

3.—(1) Despite section 44 of the *Education Act*, a person who resides with his or her parent or guardian on defence property in a prescribed municipality that makes an allocation under section 2 is entitled to attend an elementary school or a secondary school, as the case requires, in accordance with this section without payment of a fee. Application of R.S.O. 1980, c. 129, s. 44

(2) A person who resides with his or her parent or guardian on defence property in a prescribed municipality, Entitlement

(a) whose parent or guardian is a Roman Catholic within the meaning of the *Education Act*, is entitled to attend a school operated by a board of education or a separate school board that has jurisdiction in the prescribed municipality;

(b) whose parent or guardian is a French-speaking person, is entitled to attend a French-language instructional unit that is operated or provided by a board that has jurisdiction in the prescribed municipality;

(c) where the prescribed municipality is an area municipality in The Municipality of Metropolitan Toronto, is entitled to attend a school that is operated by a board of education that has jurisdiction in The Municipality of Metropolitan Toronto and if the

parent or guardian is a French-speaking person is entitled to attend a school operated by The Metropolitan Toronto French-language School Council; and

(d) in all cases, other than those referred to in clauses (a), (b) and (c), is entitled to attend a school that is operated by a board of education that has jurisdiction in the prescribed municipality.

Municipality to reimburse Canada

4. Each municipality that received a payment or grant in lieu of taxes in respect of defence property for school purposes for the years 1986 and 1987 shall, on or before the 31st day of December, 1988, reimburse Canada in an amount that is equal to the lesser of,

(a) the amount of the payment or grant in lieu of taxes attributable to the defence property for school purposes in respect of the years 1986 and 1987; or

(b) the sum determined by the Minister of Education of the tuition fees and transportation costs paid in respect of the years 1986 and 1987 by a Canadian Forces Base board of education established under section 70 of the *Education Act* to the boards having jurisdiction in the municipality.

R.S.O. 1980, c. 129

Regulations

5.—(1) The Lieutenant Governor in Council may make regulations,

(a) respecting any matter that is referred to as prescribed by the regulations;

(b) prescribing the portion of the amount of a payment or grant in lieu of taxes received in respect of defence property for school purposes that is to be allocated by prescribed municipalities to boards under this Act.

Retroactive

(2) A regulation is, if it so provides, effective with respect to a period before it is filed but not before the 1st day of January, 1988.

Commencement

6. This Act shall be deemed to have come into force on the 1st day of January, 1988.

Short title

7. The short title of this Act is the *Municipal and School Board Payments Adjustment Act, 1988*.

CA2ON
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-B56

Bill 186 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 186

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

The Hon. C. Ward
Minister of Education

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University of Toronto

1st Reading November 15th, 1988
2nd Reading January 11th, 1989
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

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EXPLANATORY NOTES

The Bill provides for the allocation of moneys received from Canada in the form of a payment or grant in lieu of taxes for school purposes by prescribed municipalities where a Canadian Forces Base is located to the school boards that have jurisdiction in the prescribed municipalities.

Pupils who live on a Canadian Forces Base in a prescribed municipality will be entitled to attend a school operated by a school board that has jurisdiction in the municipality where the base is located without the parent or guardian or the Department of National Defence being required to pay a tuition fee.

The Bill is effective from the 1st day of January, 1988 so that payments made by Canada in 1988 can be allocated for school board purposes for this year. Payments that were made in 1986 and 1987 are to be adjusted in 1988 between the municipalities and Canada.

Bill 186 1988

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"board" means a board as defined in paragraph 3 of subsection 1 (1) of the *Education Act*, other than a board established under section 70 of the *Education Act*, or The Metropolitan Toronto French-language School Council and The Ottawa-Carleton French-language School Board but includes the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board; R.S.O. 1980, c. 129

"commercial assessment" means, according to the last returned assessment roll,

(a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or a province or territory of Canada, or a board, agency or commission thereof, or a municipal corporation or a local board thereof,

(b) business assessment, and

(c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"defence property" means the prescribed lands and premises of defence establishments belonging to Canada;

"French-language instructional unit" and "French-speaking person" have the same meaning as in section 257a of the *Education Act*; R.S.O. 1980, c. 129

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act;

"residential and farm assessment", according to the last returned assessment roll, means the assessment for real property, except for the assessment for real property referred to in clauses (a) and (c) of the definition "commercial assessment";

"weighted assessment", in respect of a prescribed municipality for a year, means the sum of,

(a) the residential and farm assessment of the prescribed municipality used for taxation in that year, and

(b) an amount of assessment that is equal to the quotient obtained by dividing the commercial assessment for that year by 0.85,

determined for elementary school purposes or secondary school purposes, or both, as the case requires.

Allocation to boards

2.—(1) A prescribed municipality that receives in a year, or that is entitled to receive in a year, a payment or grant in lieu of taxes from Canada in respect of defence property for school purposes shall allocate to the boards that have jurisdiction in the municipality that portion of the payment or grant that is prescribed.

Proportion of allocation

(2) The portion of the amount of the payment or grant in lieu of taxes referred to in subsection (1) received or receivable by the prescribed municipality shall be allocated to the boards that have jurisdiction in the municipality in the ratio that the weighted assessment supporting each board in the municipality bears to the total of the weighted assessment supporting the boards in the municipality.

Adjustment of allocation

(3) An amount that is allocated to a board under this section shall be deducted from,

(a) the requisition of the board that makes an apportionment to the prescribed municipality by means of a requisition; or

(b) the requisition submitted by a metropolitan corporation for the school purposes of a board of education having jurisdiction in the prescribed municipality,

and the net amount of the requisition shall be the amount included in the levy for the purposes of section 158 of the *Municipal Act*. R.S.O. 1980, c. 302

Idem

(4) An amount that is allocated to a board under this section shall be used to adjust the mill rate required to be levied for school purposes by the prescribed municipality by a board that makes an apportionment by such means and the rate as adjusted to reflect the allocation to that board, despite subsection 133 (1) of the *Education Act*, shall be the rate levied for school purposes for that board in the prescribed municipality. R.S.O. 1980, c. 129

Allocation for elementary or secondary purposes

(5) An allocation under this section shall be made for elementary school purposes or for secondary school purposes or for both elementary school purposes and secondary school purposes as may be prescribed and shall be deemed to be revenue of the board from taxes levied for such school purposes.

Application of R.S.O. 1980, c. 129, s. 44

3.—(1) Despite section 44 of the *Education Act*, a person who resides with his or her parent or guardian on defence property in a prescribed municipality that makes an allocation under section 2 is entitled to attend an elementary school or a secondary school, as the case requires, in accordance with this section without payment of a fee.

Entitlement

(2) A person who resides with his or her parent or guardian on defence property in a prescribed municipality,

(a) whose parent or guardian is a Roman Catholic within the meaning of the *Education Act*, is entitled to attend a school operated by a board of education or a separate school board that has jurisdiction in the prescribed municipality;

(b) whose parent or guardian is a French-speaking person, is entitled to attend a French-language instructional unit that is operated or provided by a board that has jurisdiction in the prescribed municipality;

(c) where the prescribed municipality is an area municipality in The Municipality of Metropolitan Toronto, is entitled to attend a school that is operated by a board of education that has jurisdiction in The Municipality of Metropolitan Toronto and if the

parent or guardian is a French-speaking person is entitled to attend a school operated by The Metropolitan Toronto French-language School Council; and

(d) in all cases, other than those referred to in clauses (a), (b) and (c), is entitled to attend a school that is operated by a board of education that has jurisdiction in the prescribed municipality.

Municipality to reimburse Canada

4. Each municipality that received a payment or grant in lieu of taxes in respect of defence property for school purposes for the years 1986 and 1987 shall, on or before the 1st day of June, 1989, reimburse Canada in an amount that is equal to the lesser of,

(a) the amount of the payment or grant in lieu of taxes attributable to the defence property for school purposes in respect of the years 1986 and 1987; or

(b) the sum determined by the Minister of Education of the tuition fees and transportation costs paid in respect of the years 1986 and 1987 by a Canadian Forces Base board of education established under section 70 of the *Education Act* to the boards having jurisdiction in the municipality.

R.S.O. 1980, c. 129

Regulations

5.—(1) The Lieutenant Governor in Council may make regulations,

(a) respecting any matter that is referred to as prescribed by the regulations;

(b) prescribing the portion of the amount of a payment or grant in lieu of taxes received in respect of defence property for school purposes that is to be allocated by prescribed municipalities to boards under this Act.

Retroactive

(2) A regulation is, if it so provides, effective with respect to a period before it is filed but not before the 1st day of January, 1988.

Commencement

6. This Act shall be deemed to have come into force on the 1st day of January, 1988.

Short title

7. The short title of this Act is the *Municipal and School Board Payments Adjustment Act, 1989*.

CA2ON
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-B56

Bill 186

(Chapter 9
Statutes of Ontario, 1989)

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

The Hon. C. Ward
Minister of Education

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1st Reading	November 15th, 1988
2nd Reading	January 11th, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 186 **1988**

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"board" means a board as defined in paragraph 3 of subsection 1 (1) of the *Education Act*, other than a board established under section 70 of the *Education Act*, or The Metropolitan Toronto French-language School Council and The Ottawa-Carleton French-language School Board but includes the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board; R.S.O. 1980, c. 129

"commercial assessment" means, according to the last returned assessment roll,

(a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or a province or territory of Canada, or a board, agency or commission thereof, or a municipal corporation or a local board thereof,

(b) business assessment, and

(c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"defence property" means the prescribed lands and premises of defence establishments belonging to Canada;

"French-language instructional unit" and "French-speaking person" have the same meaning as in section 257a of the *Education Act*;

R.S.O. 1980, c. 129

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act;

"residential and farm assessment", according to the last returned assessment roll, means the assessment for real property, except for the assessment for real property referred to in clauses (a) and (c) of the definition "commercial assessment";

"weighted assessment", in respect of a prescribed municipality for a year, means the sum of,

(a) the residential and farm assessment of the prescribed municipality used for taxation in that year, and

(b) an amount of assessment that is equal to the quotient obtained by dividing the commercial assessment for that year by 0.85,

determined for elementary school purposes or secondary school purposes, or both, as the case requires.

Allocation to boards

2.—(1) A prescribed municipality that receives in a year, or that is entitled to receive in a year, a payment or grant in lieu of taxes from Canada in respect of defence property for school purposes shall allocate to the boards that have jurisdiction in the municipality that portion of the payment or grant that is prescribed.

Proportion of allocation

(2) The portion of the amount of the payment or grant in lieu of taxes referred to in subsection (1) received or receivable by the prescribed municipality shall be allocated to the boards that have jurisdiction in the municipality in the ratio that the weighted assessment supporting each board in the municipality bears to the total of the weighted assessment supporting the boards in the municipality.

Adjustment of allocation

(3) An amount that is allocated to a board under this section shall be deducted from,

(a) the requisition of the board that makes an apportionment to the prescribed municipality by means of a requisition; or

(b) the requisition submitted by a metropolitan corporation for the school purposes of a board of education having jurisdiction in the prescribed municipality,

and the net amount of the requisition shall be the amount included in the levy for the purposes of section 158 of the *Municipal Act*. R.S.O. 1980, c. 302

(4) An amount that is allocated to a board under this section shall be used to adjust the mill rate required to be levied for school purposes by the prescribed municipality by a board that makes an apportionment by such means and the rate as adjusted to reflect the allocation to that board, despite subsection 133 (1) of the *Education Act*, shall be the rate levied for school purposes for that board in the prescribed municipality. Idem R.S.O. 1980, c. 129

(5) An allocation under this section shall be made for elementary school purposes or for secondary school purposes or for both elementary school purposes and secondary school purposes as may be prescribed and shall be deemed to be revenue of the board from taxes levied for such school purposes. Allocation for elementary or secondary purposes

3.—(1) Despite section 44 of the *Education Act*, a person who resides with his or her parent or guardian on defence property in a prescribed municipality that makes an allocation under section 2 is entitled to attend an elementary school or a secondary school, as the case requires, in accordance with this section without payment of a fee. Application of R.S.O. 1980, c. 129, s. 44

(2) A person who resides with his or her parent or guardian on defence property in a prescribed municipality, Entitlement

(a) whose parent or guardian is a Roman Catholic within the meaning of the *Education Act*, is entitled to attend a school operated by a board of education or a separate school board that has jurisdiction in the prescribed municipality;

(b) whose parent or guardian is a French-speaking person, is entitled to attend a French-language instructional unit that is operated or provided by a board that has jurisdiction in the prescribed municipality;

(c) where the prescribed municipality is an area municipality in The Municipality of Metropolitan Toronto, is entitled to attend a school that is operated by a board of education that has jurisdiction in The Municipality of Metropolitan Toronto and if the

parent or guardian is a French-speaking person is entitled to attend a school operated by The Metropolitan Toronto French-language School Council; and

(d) in all cases, other than those referred to in clauses (a), (b) and (c), is entitled to attend a school that is operated by a board of education that has jurisdiction in the prescribed municipality.

Municipality to reimburse Canada

4. Each municipality that received a payment or grant in lieu of taxes in respect of defence property for school purposes for the years 1986 and 1987 shall, on or before the 1st day of June, 1989, reimburse Canada in an amount that is equal to the lesser of,

(a) the amount of the payment or grant in lieu of taxes attributable to the defence property for school purposes in respect of the years 1986 and 1987; or

(b) the sum determined by the Minister of Education of the tuition fees and transportation costs paid in respect of the years 1986 and 1987 by a Canadian Forces Base board of education established under section 70 of the *Education Act* to the boards having jurisdiction in the municipality.

R.S.O. 1980, c. 129

Regulations

5.—(1) The Lieutenant Governor in Council may make regulations,

(a) respecting any matter that is referred to as prescribed by the regulations;

(b) prescribing the portion of the amount of a payment or grant in lieu of taxes received in respect of defence property for school purposes that is to be allocated by prescribed municipalities to boards under this Act.

Retroactive

(2) A regulation is, if it so provides, effective with respect to a period before it is filed but not before the 1st day of January, 1988.

Commencement

6. This Act shall be deemed to have come into force on the 1st day of January, 1988.

Short title

7. The short title of this Act is the *Municipal and School Board Payments Adjustment Act, 1989*.

CA2ON
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-B56

Government Publications

Bill 187 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 187

An Act to amend certain Acts as they relate to Police and Sheriffs

The Hon. I. Scott
Attorney General

LIBRARY
University of Toronto

1st Reading November 17th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

SECTION 1. *Police Act*

The proposed section 57a, as set out in subsection 1 (1) of the Bill, provides that the responsibility for ensuring court security rests with municipal police forces and (in parts of the province without municipal police forces) the Ontario Provincial Police Force.

Under subsection 1 (2), contracts related to court security and entered into by the province before the coming into force of the Bill will be unenforceable.

SECTION 2. *Sheriffs Act*

Subsection 2 (1) of the Bill replaces section 2 of the *Sheriffs Act*, which currently reads as follows:

2. Except where a statute provides otherwise, orders of a court enforceable in Ontario shall be directed to the sheriff for enforcement.

The new version of section 2 makes it clear that orders made in civil proceedings are to be enforced by the sheriff (unless a statute provides otherwise). However, the sheriff is entitled to police assistance if a breach of the peace is anticipated.

Subsections 2 (2) and (3) of the Bill are complementary to the enactment of section 57a of the *Police Act*, as set out in subsection 1 (1) of the Bill. The sections that will be repealed read as follows:

16. The sheriff shall give his attendance upon the judges for the maintenance of good order in Her Majesty's courts, and for the doing and executing of all other things that appertain to the office of sheriff in such case.

17. The sheriff has the appointment and control of the constables at the sittings of the High Court, the county court and other courts at which the attendance of the sheriff is required.

SECTIONS 3 and 4. *Children's Law Reform Act* and *Courts of Justice Act, 1984*.

The amendments are complementary to the re-enactment of section 2 of the *Sheriffs Act*, as set out in subsection 2 (1) of the Bill, and make it clear that orders under the *Children's Law Reform Act* to locate, apprehend and deliver children and warrants of committal or for arrest in civil proceedings are to be enforced by the police and not by sheriffs. These are exceptions to the general rule found in the proposed section 2 of the *Sheriffs Act*.

Bill 187 **1988**

An Act to amend certain Acts as they relate to Police and Sheriffs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Court security in municipalities with police forces

57a.—(1) A board or council responsible for the policing of a municipality has the following responsibilities, with respect to premises where court proceedings are conducted:

1. Ensuring the security of judges and of persons taking part in or attending proceedings.

2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.

3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.

Idem, other parts of Ontario

(2) The Ontario Provincial Police Force has the responsibilities set out in paragraphs 1, 2 and 3 of subsection (1) in those parts of Ontario in which it has responsibility for policing.

Common law replaced

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Contracts unenforceable

(2) No action or other proceeding for damages, specific performance or any other relief shall be instituted against Her Majesty the Queen in right of Ontario or the Attorney General or their officers, employees or agents arising from the negotiation, performance or termination of any agreement relating to court security entered into before this Act comes into force.

2.—(1) Section 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed and the following substituted therefor:

Civil orders directed to sheriffs

2.—(1) Unless an Act provides otherwise, orders of a court arising out of a civil proceeding and enforceable in Ontario shall be directed to the sheriff for enforcement.

Police to assist sheriff

(2) A sheriff who believes that the execution of an order may give rise to a breach of the peace may require a police officer to accompany the sheriff and assist in the execution of the order.

(2) Section 16 of the said Act is repealed.

(3) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed.

3. Section 37 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended,

(a) by striking out "the sheriff or a police force, or both" in the fourth last line of subsection (2) and inserting in lieu thereof "a police force";

(b) by striking out "sheriff or" in the first line of subsection (4); and

(c) by striking out "a sheriff or" in the second line of subsection (5).

4.—(1) Subsection 108 (3) of the *Courts of Justice Act, 1984*, being chapter 11, is amended by striking out "and 146 (prohibition against photography at court hearings)" in the second and third lines and inserting in lieu thereof "146 (prohibition against photography at court hearings) and 152a (arrest and committal warrants enforceable by police)".

(2) The said Act is amended by adding thereto the following section:

Orders enforceable by police

152a. Warrants of committal, warrants for arrest and any other orders requiring persons to be apprehended or taken into custody shall be directed to police officers for enforcement.

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

6. The short title of this Act is the *Police and Sheriffs Statute Law Amendment Act, 1988*. Short title

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Bill 188 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 188

An Act to amend the Juries Act

The Hon. I. Scott
Attorney General

LIBRARY
NOV 24 1988
University of Toronto

1st Reading November 17th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

Subsections 21 (1) and (2) of the *Equality Rights Statute Law Amendment Act, 1986* contained amendments to section 3 of the *Juries Act*. Subsection 3 (1) of the *Juries Act* as set out in the said subsection 21 (1) contained an error and, as a result, the said subsections 21 (1) and (2) have not been proclaimed. This Bill corrects the error and repeals the unproclaimed provisions.

Bill 188 1988

An Act to amend the Juries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

7. Any person of the opposite sex to whom a person mentioned in paragraph 3, 4 or 6 is married or with whom that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status. Declaration of unmarried spouses

2. Subsections 21 (1) and (2) of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed.

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

4. The short title of this Act is the *Juries Amendment Act, 1988*. Short title

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Bill 188

(Chapter 10
Statutes of Ontario, 1989)

An Act to amend the Juries Act

The Hon. I. Scott
Attorney General

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1st Reading	November 17th, 1988
2nd Reading	January 5th, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 188 **1988**

An Act to amend the Juries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

7. Any person of the opposite sex to whom a person mentioned in paragraph 3, 4 or 6 is married or with whom that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status. Declaration of unmarried spouses

2. Subsections 21 (1) and (2) of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed.

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

4. The short title of this Act is the *Juries Amendment Act, 1989*. Short title

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Bill 189 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 189

An Act to amend the Provincial Offences Act and the Highway Traffic Act

The Hon. I. Scott
Attorney General

LIBRARY
University of Toronto

1st Reading November 17th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

Section 91g of the *Provincial Offences Act* absolutely prohibits the publication of reports that disclose the identity of young persons who have committed offences or are alleged to have done so. The Bill creates a series of exceptions to this prohibition.

A complementary amendment is made to the *Highway Traffic Act*.

Bill 189 **1988**

An Act to amend the Provincial Offences Act and the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 91g of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 80, section 1, is amended by adding thereto the following subsection:

(3) Subsection (1) does not prohibit the following: Exceptions

1. The disclosure of information by the young person concerned.

2. The disclosure of information by the young person's parent or lawyer, for the purpose of protecting the young person's interests.

3. The disclosure of information by a police officer, for the purpose of investigating an offence which the young person is suspected of having committed.

4. The disclosure of information to an insurer, to enable the insurer to investigate a claim arising out of an offence committed or alleged to have been committed by the young person.

5. The disclosure of information in the course of the administration of justice, but not for the purpose of making the information known in the community.

6. The disclosure of information by a person or member of a class of persons prescribed by the regulations, for a purpose prescribed by the regulations.

2. Subsection 194a (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as

enacted by the Statutes of Ontario, 1985, chapter 13, section 17, is repealed.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Provincial Offences and Highway Traffic Amendment Act, 1988*.

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Bill 190

An Act to amend the Animals for Research Act

Mr. Wildman

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1st Reading November 22nd, 1988

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to prohibit the use of animals in non-medical experimentation involving the Draize Eye-Irritancy Test or the Classical LD50 Acute Toxicity Test and similar tests.

Bill 190 1988

An Act to amend the Animals for Research Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

16a.—(1) In this section, Definitions

"irritancy test" means the Draize Eye-Irritancy Test or a similar test to determine the relative irritancy of a preparation, product or substance using the conjunctival sac of any animal or by applying the preparation, product or substance directly to the skin of any animal;

"toxicity test" means the Classical LD50 Acute Toxicity Test or a similar test involving a lethal dose in which the protocol and objective of the test is to assess the toxicity of a preparation, product or substance against a predetermined level of mortality.

(2) Despite any provision of this or any other Act, no person shall use an animal in a toxicity test or an irritancy test without a license to do so issued by the Director. Prohibition

(3) The Director shall issue a licence for the purpose of subsection (2) unless, in the opinion of the Director, the test is not necessary for the advancement of medical research or the test is intended primarily for the testing of consumer products. Licence

(4) Where the Director is of the opinion that a test is not necessary for the advancement of medical research or is intended primarily for the testing of consumer products, the Director may, after a hearing, refuse to issue a licence. Refusal to issue

(5) A test shall be deemed not necessary for the advancement of medical research if its purpose is to insure the safety Idem

of a product whose primary use is for a purpose other than the treatment of disease.

Application of provisions

(6) Sections 9, 10 and 11 apply with necessary modifications to the refusal of the Director to issue a license.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Animals for Research Amendment Act, 1988*.

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Bill 191 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 191

An Act to amend the Motor Vehicle Dealers Act

Miss Nicholas

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Queen's Park

1st Reading November 23rd, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The Bill requires motor vehicle dealers, within fourteen days of entering into an agreement for the purchase and sale of a new motor vehicle, to notify purchasers of the expected date of delivery. This date is made a term of the agreement.

The Bill provides purchasers with the right to rescind an agreement where the expected date of delivery is later than ninety days after the date of the agreement and where, before entering into the agreement, the dealer represented to the purchaser that an offer of a rebate on delivery would apply in respect of the agreement, and the expected delivery date is later than the expiry of the rebate offer. On rescission, the purchaser is entitled to the return of any deposit paid under the agreement.

Bill 191 1988

An Act to amend the Motor Vehicle Dealers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Motor Vehicle Dealers Act*, being chapter 299 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Notice of delivery date

23a.—(1) Every motor vehicle dealer shall, within fourteen days of entering into an agreement for the purchase and sale of a new motor vehicle, give written notice to the purchaser of the expected date of delivery of the motor vehicle to the purchaser.

Delivery date to be term of agreement

(2) It is a term of the agreement that the motor vehicle shall be delivered to the purchaser on or before the date specified in the notice.

Notice to disclose purchaser's rights

(3) The notice shall disclose the rights of rescission described in subsections (4) and (5), the right to the return of deposit money described in subsection (6) and the method of giving notice described in section 20.

Late delivery date: right to rescind

(4) Where the date of delivery specified in a notice under subsection (1) is later than ninety days after the date on which the agreement was entered into, the purchaser may, within seven days of receiving the notice, rescind the agreement by giving written notice to the motor vehicle dealer.

Delivery date after expiry of rebate offer: right to rescind

(5) Where, before entering into the agreement, the motor vehicle dealer represented to the purchaser that an offer of a rebate on delivery would apply in respect of the agreement, and the delivery date specified in a notice under subsection (1) is later than the expiry date of the rebate offer, the purchaser may, within seven days of receiving the notice, rescind the agreement by giving written notice to the motor vehicle dealer.

Return of deposit on rescission

(6) A purchaser who exercises a right of rescission under subsection (4) or (5) is entitled to the immediate return of any deposit paid under the agreement.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Motor Vehicle Dealers Amendment Act, 1988*.

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Bill 192 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 192

An Act to amend the Municipal Act and certain other Acts related to Municipalities

The Hon. J. Eakins
Minister of Municipal Affairs

1st Reading November 28th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

Amendments to the Municipal Act

SECTION 1. This amendment would remove the requirement that the second person signing a municipal cheque must physically examine the cheque to ensure that it is authorized.

SECTION 2. The purpose of this amendment is to permit municipalities to give loans, charge interest on loans and guarantee loans to non-profit corporations encouraging small business.

SECTION 3. The effect of this amendment is to allow municipalities to enter into certain reciprocal contracts of insurance without O.M.B. approval.

SECTION 4. As subsection 180 (2) now reads, a commission of inquiry into the affairs of a municipality may be requested by fifty "ratepayers assessed as owners and resident in the municipality". This is changed to read "electors of the municipality".

SECTION 5. The amendments correct internal cross-references.

SECTION 6. Self-explanatory.

SECTION 7.—Subsection 1. The purpose of this amendment is to permit municipalities to prescribe different standards of lawful fences in different areas of the municipality.

Subsection 2. This amendment would allow municipalities to prohibit or regulate the use of barbed wire fencing in the municipality or in defined areas.

Subsection 3. This amendment would broaden the powers of a municipality to prohibit or regulate the discharge of fire-arms by including long-bows and cross-bows in that category.

Subsection 4. The purpose of this amendment is to allow municipalities to prohibit the sale of fireworks to any person. At present, they may only prohibit the sale of fireworks to any person under the age of twelve years.

Subsection 5. The purpose of this amendment is to prohibit racing and speeding on privately-owned parking lots, regardless of whether a parking fee is charged.

SECTION 8. The purpose of the new section 225b is to authorize municipalities, including upper-tier municipalities, to participate in programs established by the province and to enter into agreements with the ministries responsible for administering such programs with respect to their financing and operation.

SECTION 9. The purpose of this amendment is to clarify that the municipality is the owner of any tree on a municipal highway.

SECTIONS 10 and 11. These amendments permit the Minister of Revenue to direct a county-wide assessment update based on the principles of section 70 of the *Assessment Act* (taxable assessment expressed at full market value). A city or separated municipality within a county would be allowed to determine whether they wish to participate in a county-wide assessment update for that county.

Amendments to Regional Acts

SECTIONS 12 to 24.

Each Regional Act is amended to achieve the following:

1. To remove the requirement that the second person signing a municipal cheque must physically examine the cheque to ensure that its issue is authorized.

2. To allow all electors, not just owners of property, to request the establishment of a commission of inquiry into the affairs of their municipality.

3. To replace references to the *Ministry of Culture and Recreation Act* with the *Ministry of Tourism and Recreation Act, 1982*.

Bill 192 1988

An Act to amend the Municipal Act and certain other Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 81 (1) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the seventh, eighth and ninth lines.

2. Section 112a of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 24, section 1, is amended by adding thereto the following subsections:

(4a) The power to make grants under clause (4) (b) includes the power to make loans, to charge interest on the loans and to guarantee loans. Grant includes loans

(4b) A guarantee of loan made under this section shall be deemed to be a debt for the purposes of section 149 and, where the term of the loan in respect of which the guarantee is made extends beyond the current year, the guarantee shall be deemed to be an act to which section 64 of the *Ontario Municipal Board Act* applies. Guarantee deemed to be debt

R.S.O. 1980, c. 347

3. Clause 149 (2) (v) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 31, section 4, is amended by striking out "and 50" in the fourth line and inserting in lieu thereof "50 and 50a".

4. Subsection 180 (2) of the said Act is amended by striking out "ratepayers assessed as owners and resident in the municipality" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

5.—(1) Subsection 196 (11) of the said Act is amended by striking out "subsections (16) and (17)" in the second line and inserting in lieu thereof "subsection (18)".

(2) Subsection 196 (18) of the said Act is amended by striking out "(13), (14) and (15)" in the eighth line and inserting in lieu thereof "(16) and (17)".

6. Paragraph 28 of section 208 of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the third line and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

7.—(1) Paragraph 18 of section 210 of the said Act is amended by adding thereto the following clause:

(a) A by-law passed under this paragraph may,

(i) apply to the whole municipality or to any defined areas thereof, and

(ii) prescribe different standards for the height and description of lawful fences in different defined areas of the municipality.

(2) Paragraph 21 of the said section 210 is repealed and the following substituted therefor:

Barbed wire fences

21. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or other barbed material and for prohibiting or regulating the erection of fences made wholly or partly of barbed wire or other barbed material.

(a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof.

(3) Paragraph 29 of the said section 210 is repealed and the following substituted therefor:

Discharge of fire-arms

29. For the purpose of public safety, for prohibiting or regulating the discharge of guns or other fire-arms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof.

(4) Paragraph 30 of the said section 210, as amended by the Statutes of Ontario, 1986, chapter 64, section 37, is repealed and the following substituted therefor:

30. For regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law. Sale of fireworks

(5) Paragraph 121 of the said section 210 is amended by striking out "except privately-owned parking lots where a fee is charged for the privilege of parking vehicles" in the fourth, fifth and sixth lines.

8. The said Act is amended by adding thereto the following section:

225b.—(1) In this section, "municipality" includes a metropolitan, regional or district municipality or the County of Oxford. Interpretation

(2) By-laws may be passed by the councils of municipalities for participating in programs which allow such participation and which are established and administered by a ministry of the Crown in right of Ontario. Participation in provincial programs

(3) The council of a municipality may enter into agreements with a minister of the Crown in right of Ontario to provide for the financing and operation of a program under subsection (2). Agreements

9. Clause 313 (4) (e) of the said Act is amended by striking out "trees" in the third line and inserting in lieu thereof "land to which the tree is appurtenant".

10.—(1) Subsection 368b (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(2) If the Minister of Revenue considers that within a county, or within any class or classes of real property within a county, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property in the county, or of real property of that class, as the case may be, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each local municipality as will, in the Minister of Revenue's opinion, County wide assessment update

(a) eliminate or reduce inequalities in the assessment of real property in the county and, for that purpose, the Minister of Revenue may name a day that the assessment commissioner in whose region the county is situated shall return a new assessment roll

for the assessment at market value of real property in all municipalities in the county; or

(b) where the assessment is in respect of a parcel or parcels of real property within any class or classes of real property within a county, eliminate or reduce inequalities in the assessment of any class or classes of real property and, for that purpose, the Minister of Revenue may make regulations,

(i) prescribing the classes of real property into which all the real property in the county shall be divided,

(ii) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the county,

(iii) providing that any equalization of assessment pursuant to a regulation made under subclause (ii) shall not alter, as between classes of real property throughout the county, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

When direction effective

(2a) A direction to which clause (2) (a) applies is effective upon publication of a notice of the direction in *The Ontario Gazette*.

Deemed direction, County of Huron R.S.O. 1980, c. 31

(2b) The proclamation by the Lieutenant Governor in Council under section 70 of the *Assessment Act* for the assessment at market value of real property in all municipalities in the County of Huron for the 1988 taxation year shall be deemed to be a direction of the Minister of Revenue to which clause (2) (a) applies for the purposes of the 1988 and subsequent taxation years and no notice under subsection (2a) is required.

(2) Section 368b of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is amended by adding thereto the following subsection:

(3a) A direction under subsection (2) does not apply to a city, separated town or separated township which has not requested that the direction be made unless, Direction upon request

(a) a direction has been made by the Minister of Revenue under subsection (7); and

(b) the city, separated town or separated township had requested a direction under subsection (2) before the direction was made under subsection (7).

(3) Subsection 368b (13) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(13) For purposes of subsection 24 (16) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (a) applies shall be deemed to be an assessment update of all property within that local municipality under section 70 of the *Assessment Act*. Taxation of pipe lines R.S.O. 1980, c. 31

(13a) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (b) applies shall be deemed to be an assessment update of all property within that local municipality under subsection 63 (3) of the *Assessment Act*. Idem

(4) Subsection 368b (15) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(15) A direction to which clause (2) (a) applies or a regulation made under clause (2) (b) may be made retroactive to the 1st day of December of the year preceding the year in which it was made. Retroactive direction or regulation

11. Subsection 368c (1) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(1) Sections 368d to 368l apply where a different assessment of lands in a local municipality in the county has been instituted pursuant to a direction of the Minister of Revenue under subsection 368b (2). Different assessment generally throughout the county

12.—(1) Subsection 19 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other

person before signing a cheque shall satisfy himself that the issue thereof is authorized'' in the eighth, ninth and tenth lines.

(2) Subsection 113 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

(3) Section 123 of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the sixth and seventh lines and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

13.—(1) Subsection 21 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out ''and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized'' in the eighth, ninth and tenth lines.

(2) Subsection 253 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

14.—(1) Subsection 22 (1) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out ''and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized'' in the eighth and ninth lines.

(2) Subsection 122 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

(3) Subsection 136 (2) of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the second and third lines and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

15.—(1) Subsection 21 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out ''and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized'' in the eighth, ninth and tenth lines.

(2) Subsection 134 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 152 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(4) Subsection 153 (7) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second line and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

16.—(1) Subsection 21 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 117 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 132 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(4) Subsection 133 (4) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the fourth line and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

17.—(1) Subsection 21 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 127 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 141 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

18.—(1) Subsection 20 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 139 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 154 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

19.—(1) Subsection 20 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the ninth, tenth and eleventh lines.

(2) Subsection 166 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 180 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(4) Subsection 181 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(5) Subsection 182 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

20.—(1) Subsection 24 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 169 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

21.—(1) Subsection 21 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth and ninth lines.

(2) Subsection 122 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 136 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

22.—(1) Subsection 20 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 109 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 122 (1) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the sixth and seventh lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

23.—(1) Subsection 20 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the

issue thereof is authorized'' in the eighth, ninth and tenth lines.

(2) Subsection 157 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

(3) Section 172 of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the sixth and seventh lines and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

24.—(1) Subsection 20 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out ''and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized'' in the ninth and tenth lines.

(2) Subsection 158 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

(3) Section 172 of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the sixth and seventh lines and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

(4) Subsection 173 (8) of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the second line and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

Commencement

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. The short title of this Act is the *Municipal Statute Law Amendment Act, 1988*.

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1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 192

(Chapter 11
Statutes of Ontario, 1989)

An Act to amend the Municipal Act and certain other Acts related to Municipalities

The Hon. J. Eakins
Minister of Municipal Affairs

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1st Reading	November 28th, 1988
2nd Reading	February 21st, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 192 1988

An Act to amend the Municipal Act and certain other Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 81 (1) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the seventh, eighth and ninth lines.

2. Section 112a of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 24, section 1, is amended by adding thereto the following subsections:

(4a) The power to make grants under clause (4) (b) includes the power to make loans, to charge interest on the loans and to guarantee loans. Grant includes loans

(4b) A guarantee of loan made under this section shall be deemed to be a debt for the purposes of section 149 and, where the term of the loan in respect of which the guarantee is made extends beyond the current year, the guarantee shall be deemed to be an act to which section 64 of the *Ontario Municipal Board Act* applies. Guarantee deemed to be debt

R.S.O. 1980, c. 347

3. Clause 149 (2) (v) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 31, section 4, is amended by striking out "and 50" in the fourth line and inserting in lieu thereof "50 and 50a".

4. Subsection 180 (2) of the said Act is amended by striking out "ratepayers assessed as owners and resident in the municipality" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

5.—(1) Subsection 196 (11) of the said Act is amended by striking out "subsections (16) and (17)" in the second line and inserting in lieu thereof "subsection (18)".

(2) Subsection 196 (18) of the said Act is amended by striking out "(13), (14) and (15)" in the eighth line and inserting in lieu thereof "(16) and (17)".

6. Paragraph 28 of section 208 of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the third line and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

7.—(1) Paragraph 18 of section 210 of the said Act is amended by adding thereto the following clause:

(a) A by-law passed under this paragraph may,

(i) apply to the whole municipality or to any defined areas thereof, and

(ii) prescribe different standards for the height and description of lawful fences in different defined areas of the municipality.

(2) Paragraph 21 of the said section 210 is repealed and the following substituted therefor:

Barbed wire fences

21. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or other barbed material and for prohibiting or regulating the erection of fences made wholly or partly of barbed wire or other barbed material.

(a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof.

(3) Paragraph 29 of the said section 210 is repealed and the following substituted therefor:

Discharge of fire-arms

29. For the purpose of public safety, for prohibiting or regulating the discharge of guns or other fire-arms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof.

(4) Paragraph 30 of the said section 210, as amended by the Statutes of Ontario, 1986, chapter 64, section 37, is repealed and the following substituted therefor:

30. For regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law. Sale of fireworks

(5) Paragraph 121 of the said section 210 is amended by striking out "except privately-owned parking lots where a fee is charged for the privilege of parking vehicles" in the fourth, fifth and sixth lines.

8. The said Act is amended by adding thereto the following section:

225b.—(1) In this section, "municipality" includes a metropolitan, regional or district municipality or the County of Oxford. Interpretation

(2) By-laws may be passed by the councils of municipalities for participating in programs which allow such participation and which are established and administered by a ministry of the Crown in right of Ontario. Participation in provincial programs

(3) The council of a municipality may enter into agreements with a minister of the Crown in right of Ontario to provide for the financing and operation of a program under subsection (2). Agreements

9. Clause 313 (4) (e) of the said Act is amended by striking out "trees" in the third line and inserting in lieu thereof "land to which the tree is appurtenant".

10.—(1) Subsection 368b (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(2) If the Minister of Revenue considers that within a county, or within any class or classes of real property within a county, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property in the county, or of real property of that class, as the case may be, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each local municipality as will, in the Minister of Revenue's opinion, County wide assessment update

(a) eliminate or reduce inequalities in the assessment of real property in the county and, for that purpose, the Minister of Revenue may name a day that the assessment commissioner in whose region the county is situated shall return a new assessment roll

for the assessment at market value of real property in all municipalities in the county; or

(b) where the assessment is in respect of a parcel or parcels of real property within any class or classes of real property within a county, eliminate or reduce inequalities in the assessment of any class or classes of real property and, for that purpose, the Minister of Revenue may make regulations,

(i) prescribing the classes of real property into which all the real property in the county shall be divided,

(ii) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the county,

(iii) providing that any equalization of assessment pursuant to a regulation made under subclause (ii) shall not alter, as between classes of real property throughout the county, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

When direction effective

(2a) A direction to which clause (2) (a) applies is effective upon publication of a notice of the direction in *The Ontario Gazette*.

Deemed direction, County of Huron

R.S.O. 1980, c. 31

(2b) The proclamation by the Lieutenant Governor in Council under section 70 of the *Assessment Act* for the assessment at market value of real property in all municipalities in the County of Huron for the 1988 taxation year shall be deemed to be a direction of the Minister of Revenue to which clause (2) (a) applies for the purposes of the 1988 and subsequent taxation years and no notice under subsection (2a) is required.

(2) Section 368b of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is amended by adding thereto the following subsection:

(3a) A direction under subsection (2) does not apply to a city, separated town or separated township which has not requested that the direction be made unless, Direction upon request

(a) a direction has been made by the Minister of Revenue under subsection (7); and

(b) the city, separated town or separated township had requested a direction under subsection (2) before the direction was made under subsection (7).

(3) Subsection 368b (13) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(13) For purposes of subsection 24 (16) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (a) applies shall be deemed to be an assessment update of all property within that local municipality under section 70 of the *Assessment Act*. Taxation of pipe lines R.S.O. 1980, c. 31

(13a) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (b) applies shall be deemed to be an assessment update of all property within that local municipality under subsection 63 (3) of the *Assessment Act*. Idem

(4) Subsection 368b (15) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(15) A direction to which clause (2) (a) applies or a regulation made under clause (2) (b) may be made retroactive to the 1st day of December of the year preceding the year in which it was made. Retroactive direction or regulation

11. Subsection 368c (1) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(1) Sections 368d to 368l apply where a different assessment of lands in a local municipality in the county has been instituted pursuant to a direction of the Minister of Revenue under subsection 368b (2). Different assessment generally throughout the county

12.—(1) Subsection 19 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other

person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 113 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Section 123 of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the sixth and seventh lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

13.—(1) Subsection 21 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 253 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

14.—(1) Subsection 22 (1) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth and ninth lines.

(2) Subsection 122 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 136 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

15.—(1) Subsection 21 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 134 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 152 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(4) Subsection 153 (7) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second line and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

16.—(1) Subsection 21 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 117 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 132 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(4) Subsection 133 (4) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the fourth line and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

17.—(1) Subsection 21 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 127 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 141 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

18.—(1) Subsection 20 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 139 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 154 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

19.—(1) Subsection 20 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the ninth, tenth and eleventh lines.

(2) Subsection 166 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 180 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(4) Subsection 181 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

(5) Subsection 182 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

20.—(1) Subsection 24 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 169 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

21.—(1) Subsection 21 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth and ninth lines.

(2) Subsection 122 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 136 (2) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the second and third lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

22.—(1) Subsection 20 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

(2) Subsection 109 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

(3) Subsection 122 (1) of the said Act is amended by striking out "*Ministry of Culture and Recreation Act*" in the sixth and seventh lines and inserting in lieu thereof "*Ministry of Tourism and Recreation Act, 1982*".

23.—(1) Subsection 20 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the

issue thereof is authorized'' in the eighth, ninth and tenth lines.

(2) Subsection 157 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

(3) Section 172 of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the sixth and seventh lines and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

24.—(1) Subsection 20 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out ''and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized'' in the ninth and tenth lines.

(2) Subsection 158 (2) of the said Act is amended by striking out ''ratepayers of an area municipality assessed as owners and resident therein'' in the fourth and fifth lines and inserting in lieu thereof ''electors of the municipality''.

(3) Section 172 of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the sixth and seventh lines and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

(4) Subsection 173 (8) of the said Act is amended by striking out ''*Ministry of Culture and Recreation Act*'' in the second line and inserting in lieu thereof ''*Ministry of Tourism and Recreation Act, 1982*''.

Commencement

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. The short title of this Act is the *Municipal Statute Law Amendment Act, 1989*.

CA2ON
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-B56

Bill 193

An Act to amend the Income Tax Act

The Hon. B. Grandmaître
Minister of Revenue

1st Reading November 29th, 1988
2nd Reading
3rd Reading
Royal Assent

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University of Toronto

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EXPLANATORY NOTES

GENERAL. The Bill implements the proposals contained in the Treasurer's Budget of April 20, 1988 relating to personal income tax and tax credits, and amends the *Income Tax Act* (the "Ontario Act") consequential upon the enactment of amendments to the *Income Tax Act* (Canada) (the "Federal Act").

SECTION 1. The re-enactment of the definition of an "individual" for the purposes of taxation under the Ontario Act clarifies the cross-reference to the Federal Act without changing the existing meaning.

SECTION 2. The re-enactment of section 2b implements the Treasurer's Budget proposal of imposing a surtax for the 1988 and subsequent years equal to 10 per cent of Ontario income tax payable in excess of $10,000, and repeals the existing surcharge of 3 per cent of Ontario income tax payable in excess of $5,000.

SECTION 3.—Subsection 1. The amendments to subsection 3 (5) implement the Treasurer's Budget proposal of levying personal income tax at the rate of 51 per cent of basic Federal tax for 1988 and 52 per cent of basic Federal tax for subsequent years.

Subsection 2. The re-enactment of clause 3 (6) (a) changes the statutory references to sections of the Federal Act, consequential upon amendments to that Act.

Subsection 3. The repeal of subsection 3 (7) is consequential upon the enactment of subsection 9 (2) by section 6 of this Bill.

Subsections 4 and 5. The re-enactment of subsection 3 (8), which provides a foreign tax credit for Ontario purposes, and of clause 3 (9) (b), which defines certain terms used in subsection 3 (8) for the purpose of determining the amount of the foreign tax credit, are consequential upon amendments to the Federal Act.

Subsections 6 to 9. The rules permitting a capital gains refund to a mutual fund trust and an additional refund where the mutual fund trust has paid the surcharge under section 2b are being amended,

(a) consequential upon amendments to the Federal Act in the determination of the capital gains refund payable under that Act to mutual fund trusts;

(b) to reflect the change in the amount of the surcharge imposed by section 2b as re-enacted by section 2 of this Bill; and

(c) to clarify that the entire refund may be applied against any amount owing under the Act by the mutual fund trust.

SECTION 4. The re-enactment of subsections 6 (1) and (2) implements the Treasurer's Budget proposal relating to the Ontario tax reduction for 1988 and subsequent years under which individuals with Ontario income tax otherwise payable of $150 or less will pay no Ontario income tax and individuals with Ontario income tax between $150 and $225 will have their Ontario income tax reduced by an amount equal to $450 less twice their Ontario income tax.

SECTION 5.—Subsections 1 to 5. The amendments to the definitions in subsection 7 (1) are consequential upon amendments to the Federal Act, amendments to the property tax credit and sales tax credit in subsection 7 (2), as enacted by subsection 5 (7) of this Bill, and the enactment of an Ontario home ownership savings plan tax credit under subsection 5 (7) of this Bill.

Subsection 6. The enactment of subsection 7 (1a) provides rules for computing an individual's "adjusted income" and "qualifying adjusted income" for the purpose of determining the tax credits available under section 7 of the Ontario Act.

Subsection 7. The re-enactment of subsection 7 (2) of the Ontario Act implements the Treasurer's Budget proposals relating to the Ontario property tax and sales tax credits. The maximum combined property tax and sales tax credit that may be claimed for 1988 and subsequent years is $1,000 per household and is determined as the difference between the total property tax and sales tax credits less 2 per cent of combined family income in excess of $4,000. The property tax credit increases to a maximum of $250 plus 10 per cent of occupancy cost and the sales tax credit is $100 per adult and $50 per child under the age of 18 at any time in the year.

The enactment of subsection 7 (2a) is consequential upon the enactment of the *Ontario Home Ownership Savings Plan Act, 1988*, announced in the Treasurer's Budget, and permits an Ontario home ownership savings plan tax credit to individuals or couples. An OHOSP tax credit of 25 per cent of qualifying contributions is available to individuals and couples with adjusted incomes not exceeding $20,000 and $40,000 respectively. Individuals and couples with higher adjusted incomes that do not exceed $40,000 for individuals and $80,000 for couples will receive a reduced OHOSP tax credit that decreases as qualifying adjusted income increases.

The enactment of subsections 7 (2b) and (2c) continue the current rules which provide that,

(a) no property tax credit is available if the individual or his or her spouse is eligible as a senior citizen to a property tax grant for the year under the *Ontario Pensioners Property Tax Assistance Act*;

(b) no sales tax credit is available to a person who is eligible as a senior citizen to claim a sales tax grant under the *Ontario Pensioners Property Tax Assistance Act*; and

(c) not more than one person may claim a sales tax credit with respect to a particular person.

Subsection 8. The re-enactment of subsection 7 (3) provides that where an individual is married and lives with his or her spouse at the end of the year, only one of them, but not both, may claim the property tax, sales tax and OHOSP tax credits for both of them. Where an individual lives with a supporting person who is not the spouse of the individual, one of them, but not both of them, may claim the property tax and sales tax credits to which they are each entitled.

Subsection 9. The re-enactment of subsection 7 (4) is consequential upon the change in terminology used in section 7 and continues to limit the occupancy cost for a student residence to $25 for the purpose of determining the student's property tax credit.

Subsection 10. The amendment to subsection 7 (7) clarifies that all of the tax credits available under section 7 may be applied to reduce the balance of Federal and Ontario income taxes otherwise payable by the individual.

Subsections 11 to 18. The amendments are consequential upon the changes in terminology used in section 7 in determining the property tax and sales tax credits.

SECTION 6. The enactment of subsection 9 (2) continues to permit the amount of income tax payable under the Ontario Act to be determined by reference to the tax tables currently in the Federal tax return used for Ontario residents and clarifies that any surcharge payable may also be determined by reference to a tax table.

SECTION 7. The enactment of subsections 16 (8) and (9) is consequential upon amendments to the Federal Act and provide for compound interest on overdue amounts and interest on overdue penalties assessed under the Ontario Act in a manner similar to interest charges imposed under the Federal Act.

SECTION 8. The amendments to subsection 21 (2) ensure,

(a) that taxpayers have the right to appeal the determination of any of the tax credits available under section 7; and

(b) that a director of a corporation, who has been assessed an amount under section 36a by reason of the failure of the corporation to remit the tax required to be withheld and remitted by employers from employees' wages, has the right to appeal the assessment.

SECTION 9. Section 28 currently permits the Minister to grant a remission of Ontario income tax to an individual after the three year statutory time limit where a remission of the Federal income tax for the same taxation year has been granted to the individual under the *Financial Administration Act* (Canada) and the Minister considers the remission of Ontario income tax to be in the public interest or for the relief of hardship. Subsections 28 (2) and (3) are being enacted to permit the Minister to also accept and pay a claim from the individual for the Ontario refundable tax credits under section 7, after the three year time limit, when a Federal income tax remission has been granted or the Lieutenant Governor in Council considers it to be in the public interest or for the prevention of undue hardship.

SECTION 10. The amendment to section 3 of the *Ontario Home Ownership Savings Plan Act, 1988* ensures that a contribution made to an Ontario home ownership savings plan, which would otherwise qualify for the purposes of an OHOSP tax credit, will not cease to be a qualifying contribution by reason only that the planholder of the plan subsequently in the same year marries and,

(a) the spouse once owned a home, but no longer owned it at the time of the marriage; or

(b) the spouse owned a home at the time of the marriage, but the marriage occurred after the planholder had purchased a qualifying eligible home with the assistance of the planholder's Ontario home ownership savings plan.

Bill 193 1988

An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 15 of subsection 1 (1) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

15. "individual" means a person other than a corporation and includes a trust referred to in subdivision k of Division B of Part I of the Federal Act.

2. Section 2b of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 40, section 1 and amended by the Statutes of Ontario, 1987, chapter 27, section 1, is repealed and the following substituted therefor:

2b. Every individual shall, in addition to the amount of tax otherwise payable by the individual under this Act, pay an additional income tax in respect of the 1988 and subsequent taxation years equal to 10 per cent of the amount, if any, by which the tax that would be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds $10,000. Surcharge

3.—(1) Clause 3 (5) (l) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 12, section 2, is repealed and the following substituted therefor:

(l) 50 per cent in respect of the 1986 and 1987 taxation years;

(m) 51 per cent in respect of the 1988 taxation year; and

(n) 52 per cent in respect of the 1989 and subsequent taxation years.

(2) Clause 3 (6) (a) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is repealed and the following substituted therefor:

(a) "tax payable under the Federal Act" means the amount that, but for section 120 of the Federal Act, would be the tax payable by an individual under Part I of that Act for the taxation year in respect of which the expression is being applied, computed as if the individual were not entitled to a deduction under section 126, 127, 127.2 or 127.4 of that Act.

(3) Subsection 3 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 46, section 2, is repealed.

(4) Subsection 3 (8) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, 1985, chapter 12, section 2, 1986, chapter 40, section 2 and 1987, chapter 27, section 2, is repealed and the following substituted therefor:

Foreign tax credit

(8) An individual who resided in Ontario on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which non-business-income tax was paid by the individual to the government of a country other than Canada may deduct from the tax payable by the individual under this Act for the taxation year the amount, if any, equal to the lesser of,

(a) the amount, if any, by which the non-business-income tax paid by the individual for the year to the government of the country other than Canada exceeds all amounts claimed by the individual as a deduction from tax under the Federal Act for the taxation year under subsections 126 (1) or 180.1 (1.1) of that Act or as the individual's special foreign tax credit determined under section 127.54 of that Act; or

(b) the amount, if any, determined by multiplying the amount of tax otherwise payable under this Act for the taxation year by the ratio of,

(i) where the taxation year commences before the 1st day of January, 1986, the amount determined under subparagraph 126 (1) (*b*) (i) of the Federal Act for the taxation year and, where the taxation year commences after the 31st day of December, 1985, the amount that would be determined under subparagraph 126 (1) (*b*) (i) of the Federal Act if the indi-

vidual deducts an amount under subsection 122.3 (1) of that Act for the taxation year,

to,

(ii) the amount, if any, by which the individual's income earned in Ontario,

(A) for the taxation year, where section 114 of the Federal Act is not applicable to the individual for the taxation year, plus the amount, if any, added under subsection 110.4 (2) of the Federal Act in computing the individual's taxable income for the taxation year, and

(B) for the period or periods in the taxation year referred to in paragraph 114 (*a*) of the Federal Act, where section 114 of that Act is applicable to the individual for the taxation year,

exceeds,

(C) the amount, if any, determined under subclause 126 (1) (*b*) (ii) (A) (III) of the Federal Act for the taxation year or in respect of the period or periods referred to in sub-subclause (B), as the case may be.

(5) Clause 3 (9) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 50, section 2, is repealed and the following substituted therefor:

(b) the expressions "tax payable" and "tax otherwise payable" mean the amount of tax calculated under this Act that would be payable but for sections 120.1, 121 and 122.3 of the Federal Act, before any deduction permitted under section 7.

(6) Subsection 3 (10) of the said Act is repealed and the following substituted therefor:

Mutual fund trust capital gains refund

(10) A mutual fund trust that is entitled to a refund under section 132 of the Federal Act for a taxation year is entitled to receive, at the time and in the manner provided in section 132 of the Federal Act for the refund under that section, a capital gains refund for the taxation year equal to,

(a) where the mutual fund trust had no income earned in the taxation year outside Ontario, the product of the amount of the refund for the taxation year under section 132 of the Federal Act multiplied by the percentage referred to in subsection (5) to be used in computing the tax payable by the mutual fund trust under this section for the taxation year; or

(b) where the mutual fund trust had income earned in the taxation year outside Ontario, that proportion of the amount that would be determined under clause (a), if all income earned in the taxation year by the mutual fund trust had been earned in Ontario, that the income earned by it in the taxation year in Ontario is of its total income for the taxation year.

(7) Subsection 3 (10a) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 12, section 2, is repealed and the following substituted therefor:

Additional refund

(10a) A mutual fund trust that is entitled to a capital gains refund for a taxation year under subsection (10) and that has paid or is liable for payment of an amount under section 2b for the taxation year is entitled to receive an additional refund for the taxation year equal to the lesser of,

(a) the amount paid or payable by the mutual fund trust under section 2b for the taxation year; and

(b) the amount determined by multiplying the mutual fund trust's capital gains refund for the taxation year calculated under subsection (10) by the percentage referred to in section 2b used in the determination of the amount paid or payable by the mutual fund trust under that section for the taxation year.

(8) Subsection 3 (11) of the said Act is repealed.

(9) Subsection 3 (12) of the said Act is repealed and the following substituted therefor:

Application of refund

(12) Where a mutual fund trust is entitled to receive a refund under subsection (10) and is liable or is about to become liable to make any payment under this Act, the Minister may apply all or part of the amount that would otherwise be refunded under subsection (10), and under subsection (10a) if applicable, to the liability and pay to the mutual fund

trust the balance, if any, of the refund not so applied, and shall notify the mutual fund trust of the application of the amount of the refund not paid to the mutual fund trust.

4. Subsections 6 (1) and (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 2, are repealed and the following substituted therefor:

No tax payable

(1) Where the tax otherwise payable by an individual under this Act for a taxation year does not exceed the amount prescribed for the purpose of this subsection for the taxation year, no tax is payable under this Act by the individual for the taxation year.

Tax reduction

(2) Where the tax otherwise payable by an individual under this Act for a taxation year exceeds the amount prescribed for the purpose of subsection (1) for the taxation year, but is less than the amount prescribed for the purpose of this subsection for the taxation year, the tax payable under this Act may be reduced by an amount equal to the difference between twice the amount prescribed for the purpose of this subsection for the taxation year less twice the amount of tax otherwise payable under this Act for the taxation year.

Amount prescribed for 1988

(2a) For the purposes of this section, the amount prescribed for the purpose of subsection (1) for the 1988 taxation year is $150 and the amount prescribed for the purpose of subsection (2) for the 1988 taxation year is $225.

Definition

(2b) For the purposes of this section, "tax otherwise payable" for a taxation year means the amount of tax payable under this Act for the taxation year after the deduction, if any, permitted by subsection 3 (8) and before any deduction permitted under section 7 or this section.

5.—(1) Clause 7 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) "income" of a person for a taxation year means the amount equal to the sum of the person's taxable income for the taxation year and all amounts deducted by the person under Division C of Part I of the Federal Act in determining such taxable income, less any amounts added under Division C of Part I of the Federal Act in determining such taxable income;

(ba) "individual" means a person, other than,

(i) a corporation,

(ii) a trust or estate referred to in subdivision k of Division B of Part I of the Federal Act, or

(iii) except for the purposes of subsection (6), a person who died in the taxation year or a person who is, on the 31st day of December in the taxation year,

(A) under the age of sixteen years,

(B) except for the purposes of subsection (2a), under the age of nineteen years and residing in the principal residence of another person who is making a deduction from tax, or whose spouse is making a deduction from tax, under paragraph 118 (1) (*b*) or (*d*) of the Federal Act for the taxation year in respect of the person,

(C) a person referred to in paragraph 149 (1) (*a*) or (*b*) of the Federal Act,

(D) a person, or a member of the family of a person, who is on active military service as a member of the armed forces of a country other than Canada and is not a Canadian citizen, or

(E) a person who, by virtue of an agreement, convention or tax treaty entered into by Canada and another country, is not required to pay tax under the Federal Act with respect to the taxation year.

(2) Clause 7 (1) (d) of the said Act is amended by,

(a) striking out "principal taxpayer" in the second line of subclause (i), in the third and fourth lines of sub-subclause (ii) A and in the second and third lines and in the fourth line of sub-subclause (ii) B and inserting in lieu thereof in each instance "individual"; and

(b) striking out "his spouse" in the third line of subclause (i), in the fourth line of sub-subclause (ii) A and in the fourth and fifth lines of sub-subclause (ii) B and inserting in lieu thereof in each instance "the individual's spouse".

(3) Clause 7 (1) (e) of the said Act is repealed and the following substituted therefor:

(e) "Ontario home ownership savings plan" means an Ontario home ownership savings plan under the *Ontario Home Ownership Savings Plan Act, 1988*; 1988, c. 35

(ea) "principal residence", in respect of an individual, means a housing unit in Ontario that was occupied by the individual during the taxation year as his or her primary place of residence and that is designated by the individual in the prescribed manner as the individual's principal residence for the taxation year.

(4) Clause 7 (1) (f) of the said Act, as amended by the Statues of Ontario, 1981, chapter 13, section 3 and 1987, chapter 27, section 4, is repealed and the following substituted therefor:

(f) "qualifying contribution" made by an individual to an Ontario home ownership savings plan means a contribution that is a qualifying contribution under the *Ontario Home Ownership Savings Plan Act, 1988* and in respect of which a receipt in the prescribed form has been issued by the depositary of the plan and has been filed by the individual with the Minister. 1988, c. 35

(5) Clause 7 (1) (k) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 50, section 3, is repealed and the following substituted therefor:

(k) "supporting person", in respect of an individual for a taxation year, means any person whose income is required by subparagraph 122.4 (3) (*d*) (iii) or (iv) of the Federal Act to be included in the amount determined under paragraph 122.4 (3) (*d*) of that Act for the purposes of determining the amount, if any, that is deemed by subsection 122.4 (3) of that Act to have been paid by the individual at the end of the taxation year on account of tax under Part I of that Act for the taxation year;

(l) "tax payable" and "tax otherwise payable" mean the amount of tax that would be payable under this Act if the tax were calculated without reference to sections 120.1, 121 and 122.3 of the Federal Act and this section.

(6) Section 7 of the said Act is amended by adding thereto the following subsection:

Adjusted income and qualifying adjusted income

(1a) For the purposes of this section,

(a) the adjusted income of an individual for a taxation year is the aggregate of the income for the taxation year of,

(i) the individual,

(ii) the individual's spouse, if the individual was married at the end of the taxation year and resided with the spouse at the end of the taxation year, and

(iii) all supporting persons; and

(b) the qualifying adjusted income of an individual for a taxation year is,

(i) one-half of the individual's adjusted income for the taxation year where,

(A) the individual was married at the end of the taxation year and resided with his or her spouse on the 31st day of December in the taxation year,

(B) the income of a supporting person is required to be included in the individual's adjusted income for the taxation year under subclause (a) (iii), or

(C) the individual deducted and is entitled to deduct an amount under paragraph 118 (1) (*b*) of the Federal Act in computing tax payable under Part I of that Act for the taxation year, and

(ii) in any other case, the adjusted income of the individual for the taxation year.

(7) Subsection 7 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 3 and amended by the Statutes of Ontario, 1987, chapter 27, section 4, is repealed and the following substituted therefor:

Property tax credit, sales tax credit

(2) Subject to subsection (3), every individual resident in Ontario on the 31st day of December in a taxation year may

deduct from tax otherwise payable by the individual under this Act in respect of the taxation year the amount, if any, not in excess of $1,000, by which the aggregate of the tax credits described in clauses (a) and (b) to which the individual is entitled exceeds the amount, if any, by which 2 per cent of the individual's adjusted income for the taxation year exceeds $4,000, that is to say,

(a) subject to subsection (2b), a property tax credit equal to the sum of,

(i) the lesser of the individual's occupancy cost for the taxation year and $250, and

(ii) an amount equal to 10 per cent of the individual's occupancy cost for the taxation year; and

(b) subject to subsection (2c), a sales tax credit equal to the aggregate of,

(i) $100 in respect of the individual,

(ii) $100 in respect of the individual's spouse or a supporting person, if,

(A) the spouse or the supporting person, whichever is applicable, and the individual resided together on the 31st day of December in the taxation year, and

(B) the spouse or the supporting person, whichever is applicable, was not at any time in the taxation year an eligible person under the *Ontario Pensioners Property Tax Assistance Act*, and R.S.O. 1980, c. 352

(iii) $50 in respect of every other person under the age of eighteen years at any time in the taxation year with respect to whom the individual, or the person referred to in subclause (ii), if applicable, has deducted and is entitled to deduct an amount under paragraph 118 (1) (*b*) or (*d*) of the Federal Act in the computation of tax payable under Part I of that Act for the taxation year.

Ontario home ownership savings plan tax credit

(2a) Subject to subsection (3), every individual resident in Ontario on the 31st day of December in a taxation year, whose qualifying adjusted income for the taxation year does not exceed $40,000, may deduct from tax otherwise payable

under this Act in respect of the taxation year the amount, if any, equal to the product of,

(a) the aggregate of,

(i) the lesser of $2,000 and the total of all qualifying contributions made by the individual in the taxation year to an Ontario home ownership savings plan of which the individual is the planholder, and

(ii) where the individual is married at the end of the taxation year and resided on the 31st day of December in the taxation year with his or her spouse, the lesser of $2,000 and the total of all qualifying contributions made by the spouse in the taxation year to an Ontario home ownership savings plan of which the spouse is the planholder; and

(b) where the individual's qualifying adjusted income for the taxation year,

(i) does not exceed $20,000, 25 per cent, or

(ii) exceeds $20,000 but does not exceed $40,000, the prescribed percentage.

Idem

(2b) In determining the amount of a property tax credit under clause (2) (a) for a taxation year, no amount may be claimed by an individual if the individual, or a spouse of the individual with whom the individual resided at the end of the taxation year or a supporting person with whom the individual resided at the end of the taxation year, was an eligible person under the *Ontario Pensioners Property Tax Assistance Act* at the end of the taxation year.

R.S.O. 1980, c. 352

Idem

(2c) In determining the amount of a sales tax credit under clause (2) (b) for a taxation year,

(a) no amount may be claimed under clause (2) (b) by an individual who was at any time in the taxation year an eligible person under the *Ontario Pensioners Property Tax Assistance Act*; and

(b) no amount in respect of a person shall be included if another individual has included an amount in respect of that person in determining the sales tax credit of that other individual for the taxation year.

(8) Subsection 7 (3) of the said Act is repealed and the following substituted therefor:

(3) Where, on the 31st day of December in a taxation year, Who claims tax credits

(a) an individual is married and resides with his or her spouse, any deduction from tax of an amount by either or both of them under subsection (2) or (2a), or under both subsections, for the taxation year that would have been permitted but for this subsection shall be made by only one of them and shall include all amounts that would otherwise have been deductible from tax under subsections (2) and (2a) by either of them; or

(b) an individual inhabits a principal residence with a supporting person, and not with a spouse, any deduction from tax of an amount by the individual or by the supporting person, or by both of them, under subsection (2) for the taxation year that would have been permitted but for this subsection shall be made by only one of them and shall include all amounts that would otherwise have been deductible from tax under subsection (2) by either of them.

(9) Subsection 7 (4) of the said Act is repealed and the following substituted therefor:

(4) Where, during a taxation year, the principal residence of an individual, or of the individual's spouse with whom the individual resided on the 31st day of December in the taxation year, is in a prescribed students' residence, the total occupancy cost for the individual, for the individual's spouse or for both of them if they each had such a principal residence, is $25. Deemed occupancy cost for students

(10) Subsection 7 (7) of the said Act is amended by striking out "subsection (2)" in the second line and inserting in lieu thereof "this section".

(11) Subsection 7 (8) of the said Act is repealed and the following substituted therefor:

(8) An individual who has inhabited more than one principal residence in a taxation year shall, in calculating his or her occupancy cost, take into account only that portion of his or her total occupancy cost in the taxation year for each principal residence that is in the same ratio to his or her total occupancy cost in the taxation year for that principal residence as Occupancy cost for two or more principal residences

the number of days in the taxation year that the individual inhabited that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no individual shall claim an occupancy cost for more than one principal residence during the same period of time.

(12) Subsection 7 (9) of the said Act is repealed and the following substituted therefor:

Joint occupation

(9) Where an individual inhabits a principal residence in a taxation year with another person who is entitled under this section to deduct an amount under subsection (2) in respect thereof, or who is entitled to a grant under section 2 of the *Ontario Pensioners Property Tax Assistance Act* in respect thereof, the occupancy cost of the principal residence shall be allocated to each of them according to the beneficial ownership of each of them in the principal residence or according to the portion of the rent for the principal residence that was paid in respect of the occupation thereof by each of them in the taxation year, as the case may be.

R.S.O. 1980, c. 352

Idem

(9a) For the purposes of subsection (9), an individual who, by reason of subsection (3), deducts an amount referred to in clause (2) (a) in respect of another person shall be deemed,

(a) to have beneficial ownership in the principal residence equal to the total beneficial ownership held by both of them; and

(b) to have paid rent for the principal residence in respect of the occupation thereof in the taxation year equal to the total rent paid by both of them in respect of the occupation of the principal residence in the taxation year.

(13) Subsection 7 (10) of the said Act is repealed and the following substituted therefor:

Inputed rent

(10) Where an individual, or a person in respect of whom the individual deducts an amount referred to in clause (2) (a) for the taxation year by reason of subsection (3), instead of paying full rent for the occupation of a principal residence that is not owned by either of them, furnishes work or services to the owner or lessee of the principal residence, the value of the benefit received from paying less than full rent may, for the purposes of determining occupancy cost, be included in the rent paid in respect of the principal residence to the extent that the value of the benefit is included in the income for the taxation year of the person who furnished the work or ser-

vices, for the purpose of determining tax payable under Part I of the Federal Act for the taxation year.

(14) Subsection 7 (11) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed.

(15) Subsection 7 (11a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed and the following substituted therefor:

Separation in year

(11a) Despite clause (1) (d) and subsection (2b), where, in a taxation year, an individual separates from his or her spouse who, on the 31st day of December in the taxation year, is an eligible person, as defined in the *Ontario Pensioners Property Tax Assistance Act*, pursuant to a separation agreement as that term is defined in that Act, the individual shall be deemed to have an occupancy cost for the taxation year equal to that portion of his or her occupancy cost otherwise determined that is attributable only to the portion of the taxation year subsequent to the separation.

R.S.O. 1980, c. 352

(16) Subsection 7 (11b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed and the following substituted therefor:

Marriage in year

(11b) Despite subsection (2b), where, in a taxation year, an individual marries a person who, on the 31st day of December in the taxation year, is an eligible person, as defined in the *Ontario Pensioners Property Tax Assistance Act*, the individual shall be deemed for the purposes of subsection (2) to have an occupancy cost for the taxation year equal to that portion of his or her occupancy cost otherwise determined that is attributable only to the portion of the taxation year prior to the marriage and which has not been included in the occupancy cost of the spouse or a previous spouse for the purposes of a claim for a grant under section 2 of the *Ontario Pensioners Property Tax Assistance Act*.

R.S.O. 1980, c. 352

(17) Subsection 7 (12) of the said Act is amended by striking out "subsections (2) and (6)" in the sixth line of clause (a) and in the first line of clause (b) and inserting in lieu thereof in each instance "this section".

(18) Subsection 7 (13) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 40, section 3, is repealed and the following substituted therefor:

Limitation period

(13) Where an individual makes a claim to the Minister not more than three years after the end of the taxation year to which the claim relates that the individual is entitled to a

deduction or an additional deduction under this section for a taxation year in excess of the amount of any deduction under this section previously allowed to the individual for the taxation year, the Minister may allow the deduction or additional deduction claimed by the individual if the Minister is satisfied that the individual is entitled to the deduction or additional deduction under this section for the taxation year, and the Treasurer shall apply the amount of any deduction or additional deduction allowed by the Minister in the manner described in subsection (7).

6. Section 9 of the said Act is amended by adding thereto the following subsection:

Tax tables

(2) Where an individual pays tax for a taxation year under the Federal Act computed in accordance with subsection 117 (6) of that Act, the individual may pay as tax under this Act for the taxation year, in lieu of the tax otherwise determined under this Act, the amount determined by reference to a table prepared in accordance with prescribed rules.

7. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6, 1985, chapter 12, section 8 and 1986, chapter 40, section 6, is further amended by adding thereto the following subsections:

Compound interest

(8) Interest computed under any of subsections 16 (1), (2) and (9), 19 (3), (3a) and (4) and 36 (6) and (7) shall be compounded daily, and, where interest is computed on an amount under any of those subsections and is unpaid on the day it would, but for this subsection, have ceased to be computed under that subsection, interest at the rate provided by that subsection shall be computed and compounded daily on the unpaid interest from that day to the day it is paid.

Interest on unpaid penalties

(9) Where a taxpayer is required under this Act to pay a penalty and fails to pay all or part thereof as required, the taxpayer shall pay to the Treasurer interest at the rate prescribed for the purposes of subsection 161 (11) of the Federal Act on the amount the taxpayer failed to pay computed,

(a) in the case of a penalty payable under subsection 17 (1), (2) or (3) or 18 (1) or (3), from the day on or before which the taxpayer's return of income for the taxation year in respect of which the penalty is payable was, or would have been if tax under this Act were payable by the taxpayer for the year, required to be filed to the day of payment; and

(b) in the case of a penalty payable under any other provision of this Act, from the day of mailing of the notice of original assessment of the penalty to the day of payment.

8.—(1) Clause 21 (2) (d) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 4, is repealed and the following substituted therefor:

(d) any deduction under section 7.

(2) Subsection 21 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 4, is further amended by adding "or" at the end of clause (e) and by adding thereto the following clause:

(f) the liability of a director to pay an amount under section 36a,

. . . . .

9. Section 28 of the said Act is amended by adding thereto the following subsections:

Idem

(2) Where a remission referred to in subsection (1) has been granted to an individual under the *Financial Administration Act* (Canada) in respect of a taxation year, the Provincial Minister may, by order, authorize the acceptance by the Minister of a claim from the individual for a deduction or an additional deduction under section 7 in respect of the taxation year when the claim is made more than three years after the end of the taxation year to which the claim relates, if the Provincial Minister considers the allowance of the deduction, or the additional deduction, to be in the public interest or for the relief of undue hardship.

R.S.C. 1970, c. F-10

Idem

(3) Where no remission referred to in subsection (1) has been granted to an individual under the *Financial Administration Act* (Canada) in respect of a taxation year, the Lieutenant Governor in Council, on the recommendation of the Provincial Minister, may, if he or she considers it in the public interest or for the relief of undue hardship, authorize the acceptance by the Minister of a claim from the individual for a deduction or an additional deduction under section 7 in respect of the taxation year, notwithstanding that the claim is made more than three years after the end of the taxation year to which the claim relates.

R.S.C. 1970, c. F-10

COMPLEMENTARY AMENDMENT

10. Section 3 of the *Ontario Home Ownership Savings Plan Act, 1988*, being chapter 35, is amended by adding thereto the following subsection:

Subsequent marriage

(4) Where a planholder of an Ontario home ownership savings plan marries during a calendar year after having made a contribution to the plan during the calendar year, the spouse of the planholder shall be deemed, for the purposes of determining whether the contribution made prior to the marriage is a qualifying contribution, not to have owned an interest in an eligible home if,

(a) the spouse owned no interest in the eligible home at the time of the marriage; or

(b) the marriage occurred after the date on which the planholder acquired an interest in a qualifying eligible home in respect of which the assets of the planholder's plan were released under section 5.

Commencement and application

11.—(1) This Act, except sections 2 to 7, 9 and 10, comes into force on the day it receives Royal Assent.

(2) Subsection 3 (5) of this Act shall be deemed to have come into force on the 1st day of January, 1984, and applies with respect to taxation years ending after the 31st day of December, 1983.

(3) Subsections 3 (2) and (4) of this Act shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to taxation years ending after the 31st day of December, 1984, except that in the application of clause 3 (8) (a) of the said Act, as re-enacted by subsection 3 (4) of this Act, the reference to subsection 180.1 (1.1) of the Federal Act shall be deemed to have come into force on the 1st day of January, 1987, and apply with respect to taxation years ending after the 31st day of December, 1986.

(4) Subsections 3 (3), (6) and (8) and section 6 of this Act shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to taxation years ending after the 31st day of December, 1984.

(5) Subsections 3 (7) and (9) of this Act shall be deemed to have come into force on the 1st day of January, 1986, and apply with respect to taxation years ending after the 31st day of December, 1985.

(6) Section 7 of this Act shall be deemed to have come into force on the 1st day of January, 1987, and applies to interest accrued as of the 31st day of December, 1986 and to the period after the 31st day of December, 1986 with respect to penalties that are imposed after the 31st day of December, 1986 or that are imposed before the 1st day of January, 1987 and remain unpaid after the 31st day of December, 1986.

(7) Section 2 and subsection 3 (1) of this Act shall be deemed to have come into force on the 1st day of January, 1988.

(8) Sections 4 and 5 of this Act shall be deemed to have come into force on the 1st day of January, 1988, and apply to taxation years ending after the 31st day of December, 1987.

(9) Section 10 of this Act shall be deemed to have come into force on the 8th day of June, 1988.

(10) Section 9 of this Act comes into force on the day this Act receives Royal Assent, and applies with respect to claims made in respect of taxation years ending before or after the day this Act receives Royal Assent.

12. The short title of this Act is the *Income Tax Amendment Act, 1988*. Short title

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 193

(Chapter 73
Statutes of Ontario, 1988)

An Act to amend the Income Tax Act

The Hon. B. Grandmaître
Minister of Revenue

LIBRARY
University of Toronto

1st Reading	November 29th, 1988
2nd Reading	December 13th, 1988
3rd Reading	December 14th, 1988
Royal Assent	December 15th, 1988

Printed under authority of the Legislative Assembly by the
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Bill 193 1988

An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 15 of subsection 1 (1) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

15. "individual" means a person other than a corporation and includes a trust referred to in subdivision k of Division B of Part I of the Federal Act.

2. Section 2b of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 40, section 1 and amended by the Statutes of Ontario, 1987, chapter 27, section 1, is repealed and the following substituted therefor:

Surcharge

2b. Every individual shall, in addition to the amount of tax otherwise payable by the individual under this Act, pay an additional income tax in respect of the 1988 and subsequent taxation years equal to 10 per cent of the amount, if any, by which the tax that would be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds $10,000.

3.—(1) Clause 3 (5) (l) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 12, section 2, is repealed and the following substituted therefor:

(l) 50 per cent in respect of the 1986 and 1987 taxation years;

(m) 51 per cent in respect of the 1988 taxation year; and

(n) 52 per cent in respect of the 1989 and subsequent taxation years.

(2) Clause 3 (6) (a) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is repealed and the following substituted therefor:

(a) "tax payable under the Federal Act" means the amount that, but for section 120 of the Federal Act, would be the tax payable by an individual under Part I of that Act for the taxation year in respect of which the expression is being applied, computed as if the individual were not entitled to a deduction under section 126, 127, 127.2 or 127.4 of that Act.

(3) Subsection 3 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 46, section 2, is repealed.

(4) Subsection 3 (8) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, 1985, chapter 12, section 2, 1986, chapter 40, section 2 and 1987, chapter 27, section 2, is repealed and the following substituted therefor:

Foreign tax credit

(8) An individual who resided in Ontario on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which non-business-income tax was paid by the individual to the government of a country other than Canada may deduct from the tax payable by the individual under this Act for the taxation year the amount, if any, equal to the lesser of,

(a) the amount, if any, by which the non-business-income tax paid by the individual for the year to the government of the country other than Canada exceeds all amounts claimed by the individual as a deduction from tax under the Federal Act for the taxation year under subsections 126 (1) or 180.1 (1.1) of that Act or as the individual's special foreign tax credit determined under section 127.54 of that Act; or

(b) the amount, if any, determined by multiplying the amount of tax otherwise payable under this Act for the taxation year by the ratio of,

(i) where the taxation year commences before the 1st day of January, 1986, the amount determined under subparagraph 126 (1) (*b*) (i) of the Federal Act for the taxation year and, where the taxation year commences after the 31st day of December, 1985, the amount that would be determined under subparagraph 126 (1) (*b*) (i) of the Federal Act if the indi-

vidual deducts an amount under subsection 122.3 (1) of that Act for the taxation year,

to,

(ii) the amount, if any, by which the individual's income earned in Ontario,

(A) for the taxation year, where section 114 of the Federal Act is not applicable to the individual for the taxation year, plus the amount, if any, added under subsection 110.4 (2) of the Federal Act in computing the individual's taxable income for the taxation year, and

(B) for the period or periods in the taxation year referred to in paragraph 114 (*a*) of the Federal Act, where section 114 of that Act is applicable to the individual for the taxation year,

exceeds,

(C) the amount, if any, determined under subclause 126 (1) (*b*) (ii) (A) (III) of the Federal Act for the taxation year or in respect of the period or periods referred to in sub-subclause (B), as the case may be.

(5) Clause 3 (9) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 50, section 2, is repealed and the following substituted therefor:

(b) the expressions "tax payable" and "tax otherwise payable" mean the amount of tax calculated under this Act that would be payable but for sections 120.1, 121 and 122.3 of the Federal Act, before any deduction permitted under section 7.

(6) Subsection 3 (10) of the said Act is repealed and the following substituted therefor:

Mutual fund trust capital gains refund

(10) A mutual fund trust that is entitled to a refund under section 132 of the Federal Act for a taxation year is entitled to receive, at the time and in the manner provided in section 132 of the Federal Act for the refund under that section, a capital gains refund for the taxation year equal to,

(a) where the mutual fund trust had no income earned in the taxation year outside Ontario, the product of the amount of the refund for the taxation year under section 132 of the Federal Act multiplied by the percentage referred to in subsection (5) to be used in computing the tax payable by the mutual fund trust under this section for the taxation year; or

(b) where the mutual fund trust had income earned in the taxation year outside Ontario, that proportion of the amount that would be determined under clause (a), if all income earned in the taxation year by the mutual fund trust had been earned in Ontario, that the income earned by it in the taxation year in Ontario is of its total income for the taxation year.

(7) Subsection 3 (10a) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 12, section 2, is repealed and the following substituted therefor:

Additional refund

(10a) A mutual fund trust that is entitled to a capital gains refund for a taxation year under subsection (10) and that has paid or is liable for payment of an amount under section 2b for the taxation year is entitled to receive an additional refund for the taxation year equal to the lesser of,

(a) the amount paid or payable by the mutual fund trust under section 2b for the taxation year; and

(b) the amount determined by multiplying the mutual fund trust's capital gains refund for the taxation year calculated under subsection (10) by the percentage referred to in section 2b used in the determination of the amount paid or payable by the mutual fund trust under that section for the taxation year.

(8) Subsection 3 (11) of the said Act is repealed.

(9) Subsection 3 (12) of the said Act is repealed and the following substituted therefor:

Application of refund

(12) Where a mutual fund trust is entitled to receive a refund under subsection (10) and is liable or is about to become liable to make any payment under this Act, the Minister may apply all or part of the amount that would otherwise be refunded under subsection (10), and under subsection (10a) if applicable, to the liability and pay to the mutual fund

trust the balance, if any, of the refund not so applied, and shall notify the mutual fund trust of the application of the amount of the refund not paid to the mutual fund trust.

4. Subsections 6 (1) and (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 2, are repealed and the following substituted therefor:

No tax payable

(1) Where the tax otherwise payable by an individual under this Act for a taxation year does not exceed the amount prescribed for the purpose of this subsection for the taxation year, no tax is payable under this Act by the individual for the taxation year.

Tax reduction

(2) Where the tax otherwise payable by an individual under this Act for a taxation year exceeds the amount prescribed for the purpose of subsection (1) for the taxation year, but is less than the amount prescribed for the purpose of this subsection for the taxation year, the tax payable under this Act may be reduced by an amount equal to the difference between twice the amount prescribed for the purpose of this subsection for the taxation year less twice the amount of tax otherwise payable under this Act for the taxation year.

Amount prescribed for 1988

(2a) For the purposes of this section, the amount prescribed for the purpose of subsection (1) for the 1988 taxation year is $150 and the amount prescribed for the purpose of subsection (2) for the 1988 taxation year is $225.

Definition

(2b) For the purposes of this section, "tax otherwise payable" for a taxation year means the amount of tax payable under this Act for the taxation year after the deduction, if any, permitted by subsection 3 (8) and before any deduction permitted under section 7 or this section.

5.—(1) Clause 7 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) "income" of a person for a taxation year means the amount equal to the sum of the person's taxable income for the taxation year and all amounts deducted by the person under Division C of Part I of the Federal Act in determining such taxable income, less any amounts added under Division C of Part I of the Federal Act in determining such taxable income;

(ba) "individual" means a person, other than,

(i) a corporation,

(ii) a trust or estate referred to in subdivision k of Division B of Part I of the Federal Act, or

(iii) except for the purposes of subsection (6), a person who died in the taxation year or a person who is, on the 31st day of December in the taxation year,

(A) under the age of sixteen years,

(B) except for the purposes of subsection (2a), under the age of nineteen years and residing in the principal residence of another person who is making a deduction from tax, or whose spouse is making a deduction from tax, under paragraph 118 (1) (*b*) or (*d*) of the Federal Act for the taxation year in respect of the person,

(C) a person referred to in paragraph 149 (1) (*a*) or (*b*) of the Federal Act,

(D) a person, or a member of the family of a person, who is on active military service as a member of the armed forces of a country other than Canada and is not a Canadian citizen, or

(E) a person who, by virtue of an agreement, convention or tax treaty entered into by Canada and another country, is not required to pay tax under the Federal Act with respect to the taxation year.

(2) Clause 7 (1) (d) of the said Act is amended by,

(a) striking out "principal taxpayer" in the second line of subclause (i), in the third and fourth lines of sub-subclause (ii) A and in the second and third lines and in the fourth line of sub-subclause (ii) B and inserting in lieu thereof in each instance "individual"; and

(b) striking out "his spouse" in the third line of subclause (i), in the fourth line of sub-subclause (ii) A and in the fourth and fifth lines of sub-subclause (ii) B and inserting in lieu thereof in each instance "the individual's spouse".

(3) Clause 7 (1) (e) of the said Act is repealed and the following substituted therefor:

(e) "Ontario home ownership savings plan" means an Ontario home ownership savings plan under the *Ontario Home Ownership Savings Plan Act, 1988*; 1988, c. 35

(ea) "principal residence", in respect of an individual, means a housing unit in Ontario that was occupied by the individual during the taxation year as his or her primary place of residence and that is designated by the individual in the prescribed manner as the individual's principal residence for the taxation year.

(4) Clause 7 (1) (f) of the said Act, as amended by the Statues of Ontario, 1981, chapter 13, section 3 and 1987, chapter 27, section 4, is repealed and the following substituted therefor:

(f) "qualifying contribution" made by an individual to an Ontario home ownership savings plan means a contribution that is a qualifying contribution under the *Ontario Home Ownership Savings Plan Act, 1988* and in respect of which a receipt in the prescribed form has been issued by the depositary of the plan and has been filed by the individual with the Minister. 1988, c. 35

(5) Clause 7 (1) (k) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 50, section 3, is repealed and the following substituted therefor:

(k) "supporting person", in respect of an individual for a taxation year, means any person whose income is required by subparagraph 122.4 (3) (*d*) (iii) or (iv) of the Federal Act to be included in the amount determined under paragraph 122.4 (3) (*d*) of that Act for the purposes of determining the amount, if any, that is deemed by subsection 122.4 (3) of that Act to have been paid by the individual at the end of the taxation year on account of tax under Part I of that Act for the taxation year;

(l) "tax payable" and "tax otherwise payable" mean the amount of tax that would be payable under this Act if the tax were calculated without reference to sections 120.1, 121 and 122.3 of the Federal Act and this section.

(6) Section 7 of the said Act is amended by adding thereto the following subsection:

Adjusted income and qualifying adjusted income

(1a) For the purposes of this section,

(a) the adjusted income of an individual for a taxation year is the aggregate of the income for the taxation year of,

(i) the individual,

(ii) the individual's spouse, if the individual was married at the end of the taxation year and resided with the spouse at the end of the taxation year, and

(iii) all supporting persons; and

(b) the qualifying adjusted income of an individual for a taxation year is,

(i) one-half of the individual's adjusted income for the taxation year where,

(A) the individual was married at the end of the taxation year and resided with his or her spouse on the 31st day of December in the taxation year,

(B) the income of a supporting person is required to be included in the individual's adjusted income for the taxation year under subclause (a) (iii), or

(C) the individual deducted and is entitled to deduct an amount under paragraph 118 (1) (*b*) of the Federal Act in computing tax payable under Part I of that Act for the taxation year, and

(ii) in any other case, the adjusted income of the individual for the taxation year.

(7) Subsection 7 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 3 and amended by the Statutes of Ontario, 1987, chapter 27, section 4, is repealed and the following substituted therefor:

Property tax credit, sales tax credit

(2) Subject to subsection (3), every individual resident in Ontario on the 31st day of December in a taxation year may

deduct from tax otherwise payable by the individual under this Act in respect of the taxation year the amount, if any, not in excess of $1,000, by which the aggregate of the tax credits described in clauses (a) and (b) to which the individual is entitled exceeds the amount, if any, by which 2 per cent of the individual's adjusted income for the taxation year exceeds $4,000, that is to say,

(a) subject to subsection (2b), a property tax credit equal to the sum of,

(i) the lesser of the individual's occupancy cost for the taxation year and $250, and

(ii) an amount equal to 10 per cent of the individual's occupancy cost for the taxation year; and

(b) subject to subsection (2c), a sales tax credit equal to the aggregate of,

(i) $100 in respect of the individual,

(ii) $100 in respect of the individual's spouse or a supporting person, if,

(A) the spouse or the supporting person, whichever is applicable, and the individual resided together on the 31st day of December in the taxation year, and

(B) the spouse or the supporting person, whichever is applicable, was not at any time in the taxation year an eligible person under the *Ontario Pensioners Property Tax Assistance Act*, and R.S.O. 1980, c. 352

(iii) $50 in respect of every other person under the age of eighteen years at any time in the taxation year with respect to whom the individual, or the person referred to in subclause (ii), if applicable, has deducted and is entitled to deduct an amount under paragraph 118 (1) (*b*) or (*d*) of the Federal Act in the computation of tax payable under Part I of that Act for the taxation year.

Ontario home ownership savings plan tax credit

(2a) Subject to subsection (3), every individual resident in Ontario on the 31st day of December in a taxation year, whose qualifying adjusted income for the taxation year does not exceed $40,000, may deduct from tax otherwise payable

under this Act in respect of the taxation year the amount, if any, equal to the product of,

(a) the aggregate of,

(i) the lesser of $2,000 and the total of all qualifying contributions made by the individual in the taxation year to an Ontario home ownership savings plan of which the individual is the planholder, and

(ii) where the individual is married at the end of the taxation year and resided on the 31st day of December in the taxation year with his or her spouse, the lesser of $2,000 and the total of all qualifying contributions made by the spouse in the taxation year to an Ontario home ownership savings plan of which the spouse is the planholder; and

(b) where the individual's qualifying adjusted income for the taxation year,

(i) does not exceed $20,000, 25 per cent, or

(ii) exceeds $20,000 but does not exceed $40,000, the prescribed percentage.

Idem

(2b) In determining the amount of a property tax credit under clause (2) (a) for a taxation year, no amount may be claimed by an individual if the individual, or a spouse of the individual with whom the individual resided at the end of the taxation year or a supporting person with whom the individual resided at the end of the taxation year, was an eligible person under the *Ontario Pensioners Property Tax Assistance Act* at the end of the taxation year.

R.S.O. 1980, c. 352

Idem

(2c) In determining the amount of a sales tax credit under clause (2) (b) for a taxation year,

(a) no amount may be claimed under clause (2) (b) by an individual who was at any time in the taxation year an eligible person under the *Ontario Pensioners Property Tax Assistance Act*; and

(b) no amount in respect of a person shall be included if another individual has included an amount in respect of that person in determining the sales tax credit of that other individual for the taxation year.

(8) Subsection 7 (3) of the said Act is repealed and the following substituted therefor:

(3) Where, on the 31st day of December in a taxation year, Who claims tax credits

(a) an individual is married and resides with his or her spouse, any deduction from tax of an amount by either or both of them under subsection (2) or (2a), or under both subsections, for the taxation year that would have been permitted but for this subsection shall be made by only one of them and shall include all amounts that would otherwise have been deductible from tax under subsections (2) and (2a) by either of them; or

(b) an individual inhabits a principal residence with a supporting person, and not with a spouse, any deduction from tax of an amount by the individual or by the supporting person, or by both of them, under subsection (2) for the taxation year that would have been permitted but for this subsection shall be made by only one of them and shall include all amounts that would otherwise have been deductible from tax under subsection (2) by either of them.

(9) Subsection 7 (4) of the said Act is repealed and the following substituted therefor:

(4) Where, during a taxation year, the principal residence of an individual, or of the individual's spouse with whom the individual resided on the 31st day of December in the taxation year, is in a prescribed students' residence, the total occupancy cost for the individual, for the individual's spouse or for both of them if they each had such a principal residence, is $25. Deemed occupancy cost for students

(10) Subsection 7 (7) of the said Act is amended by striking out "subsection (2)" in the second line and inserting in lieu thereof "this section".

(11) Subsection 7 (8) of the said Act is repealed and the following substituted therefor:

(8) An individual who has inhabited more than one principal residence in a taxation year shall, in calculating his or her occupancy cost, take into account only that portion of his or her total occupancy cost in the taxation year for each principal residence that is in the same ratio to his or her total occupancy cost in the taxation year for that principal residence as Occupancy cost for two or more principal residences

the number of days in the taxation year that the individual inhabited that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no individual shall claim an occupancy cost for more than one principal residence during the same period of time.

(12) Subsection 7 (9) of the said Act is repealed and the following substituted therefor:

Joint occupation

(9) Where an individual inhabits a principal residence in a taxation year with another person who is entitled under this section to deduct an amount under subsection (2) in respect thereof, or who is entitled to a grant under section 2 of the *Ontario Pensioners Property Tax Assistance Act* in respect thereof, the occupancy cost of the principal residence shall be allocated to each of them according to the beneficial ownership of each of them in the principal residence or according to the portion of the rent for the principal residence that was paid in respect of the occupation thereof by each of them in the taxation year, as the case may be.

R.S.O. 1980, c. 352

Idem

(9a) For the purposes of subsection (9), an individual who, by reason of subsection (3), deducts an amount referred to in clause (2) (a) in respect of another person shall be deemed,

(a) to have beneficial ownership in the principal residence equal to the total beneficial ownership held by both of them; and

(b) to have paid rent for the principal residence in respect of the occupation thereof in the taxation year equal to the total rent paid by both of them in respect of the occupation of the principal residence in the taxation year.

(13) Subsection 7 (10) of the said Act is repealed and the following substituted therefor:

Inputed rent

(10) Where an individual, or a person in respect of whom the individual deducts an amount referred to in clause (2) (a) for the taxation year by reason of subsection (3), instead of paying full rent for the occupation of a principal residence that is not owned by either of them, furnishes work or services to the owner or lessee of the principal residence, the value of the benefit received from paying less than full rent may, for the purposes of determining occupancy cost, be included in the rent paid in respect of the principal residence to the extent that the value of the benefit is included in the income for the taxation year of the person who furnished the work or ser-

vices, for the purpose of determining tax payable under Part I of the Federal Act for the taxation year.

(14) Subsection 7 (11) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed.

(15) Subsection 7 (11a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed and the following substituted therefor:

Separation in year

(11a) Despite clause (1) (d) and subsection (2b), where, in a taxation year, an individual separates from his or her spouse who, on the 31st day of December in the taxation year, is an eligible person, as defined in the *Ontario Pensioners Property Tax Assistance Act*, pursuant to a separation agreement as that term is defined in that Act, the individual shall be deemed to have an occupancy cost for the taxation year equal to that portion of his or her occupancy cost otherwise determined that is attributable only to the portion of the taxation year subsequent to the separation.

R.S.O. 1980, c. 352

(16) Subsection 7 (11b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed and the following substituted therefor:

Marriage in year

(11b) Despite subsection (2b), where, in a taxation year, an individual marries a person who, on the 31st day of December in the taxation year, is an eligible person, as defined in the *Ontario Pensioners Property Tax Assistance Act*, the individual shall be deemed for the purposes of subsection (2) to have an occupancy cost for the taxation year equal to that portion of his or her occupancy cost otherwise determined that is attributable only to the portion of the taxation year prior to the marriage and which has not been included in the occupancy cost of the spouse or a previous spouse for the purposes of a claim for a grant under section 2 of the *Ontario Pensioners Property Tax Assistance Act*.

R.S.O. 1980, c. 352

(17) Subsection 7 (12) of the said Act is amended by striking out "subsections (2) and (6)" in the sixth line of clause (a) and in the first line of clause (b) and inserting in lieu thereof in each instance "this section".

(18) Subsection 7 (13) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 40, section 3, is repealed and the following substituted therefor:

Limitation period

(13) Where an individual makes a claim to the Minister not more than three years after the end of the taxation year to which the claim relates that the individual is entitled to a

deduction or an additional deduction under this section for a taxation year in excess of the amount of any deduction under this section previously allowed to the individual for the taxation year, the Minister may allow the deduction or additional deduction claimed by the individual if the Minister is satisfied that the individual is entitled to the deduction or additional deduction under this section for the taxation year, and the Treasurer shall apply the amount of any deduction or additional deduction allowed by the Minister in the manner described in subsection (7).

6. Section 9 of the said Act is amended by adding thereto the following subsection:

Tax tables

(2) Where an individual pays tax for a taxation year under the Federal Act computed in accordance with subsection 117 (6) of that Act, the individual may pay as tax under this Act for the taxation year, in lieu of the tax otherwise determined under this Act, the amount determined by reference to a table prepared in accordance with prescribed rules.

7. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6, 1985, chapter 12, section 8 and 1986, chapter 40, section 6, is further amended by adding thereto the following subsections:

Compound interest

(8) Interest computed under any of subsections 16 (1), (2) and (9), 19 (3), (3a) and (4) and 36 (6) and (7) shall be compounded daily, and, where interest is computed on an amount under any of those subsections and is unpaid on the day it would, but for this subsection, have ceased to be computed under that subsection, interest at the rate provided by that subsection shall be computed and compounded daily on the unpaid interest from that day to the day it is paid.

Interest on unpaid penalties

(9) Where a taxpayer is required under this Act to pay a penalty and fails to pay all or part thereof as required, the taxpayer shall pay to the Treasurer interest at the rate prescribed for the purposes of subsection 161 (11) of the Federal Act on the amount the taxpayer failed to pay computed,

(a) in the case of a penalty payable under subsection 17 (1), (2) or (3) or 18 (1) or (3), from the day on or before which the taxpayer's return of income for the taxation year in respect of which the penalty is payable was, or would have been if tax under this Act were payable by the taxpayer for the year, required to be filed to the day of payment; and

(b) in the case of a penalty payable under any other provision of this Act, from the day of mailing of the notice of original assessment of the penalty to the day of payment.

8.—(1) Clause 21 (2) (d) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 4, is repealed and the following substituted therefor:

(d) any deduction under section 7.

(2) Subsection 21 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 4, is further amended by adding "or" at the end of clause (e) and by adding thereto the following clause:

(f) the liability of a director to pay an amount under section 36a,

. . . . .

9. Section 28 of the said Act is amended by adding thereto the following subsections:

Idem
R.S.C. 1970, c. F-10

(2) Where a remission referred to in subsection (1) has been granted to an individual under the *Financial Administration Act* (Canada) in respect of a taxation year, the Provincial Minister may, by order, authorize the acceptance by the Minister of a claim from the individual for a deduction or an additional deduction under section 7 in respect of the taxation year when the claim is made more than three years after the end of the taxation year to which the claim relates, if the Provincial Minister considers the allowance of the deduction, or the additional deduction, to be in the public interest or for the relief of undue hardship.

Idem
R.S.C. 1970, c. F-10

(3) Where no remission referred to in subsection (1) has been granted to an individual under the *Financial Administration Act* (Canada) in respect of a taxation year, the Lieutenant Governor in Council, on the recommendation of the Provincial Minister, may, if he or she considers it in the public interest or for the relief of undue hardship, authorize the acceptance by the Minister of a claim from the individual for a deduction or an additional deduction under section 7 in respect of the taxation year, notwithstanding that the claim is made more than three years after the end of the taxation year to which the claim relates.

COMPLEMENTARY AMENDMENT

10. Section 3 of the *Ontario Home Ownership Savings Plan Act, 1988*, being chapter 35, is amended by adding thereto the following subsection:

Subsequent marriage

(4) Where a planholder of an Ontario home ownership savings plan marries during a calendar year after having made a contribution to the plan during the calendar year, the spouse of the planholder shall be deemed, for the purposes of determining whether the contribution made prior to the marriage is a qualifying contribution, not to have owned an interest in an eligible home if,

(a) the spouse owned no interest in the eligible home at the time of the marriage; or

(b) the marriage occurred after the date on which the planholder acquired an interest in a qualifying eligible home in respect of which the assets of the planholder's plan were released under section 5.

Commencement and application

11.—(1) This Act, except sections 2 to 7, 9 and 10, comes into force on the day it receives Royal Assent.

(2) Subsection 3 (5) of this Act shall be deemed to have come into force on the 1st day of January, 1984, and applies with respect to taxation years ending after the 31st day of December, 1983.

(3) Subsections 3 (2) and (4) of this Act shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to taxation years ending after the 31st day of December, 1984, except that in the application of clause 3 (8) (a) of the said Act, as re-enacted by subsection 3 (4) of this Act, the reference to subsection 180.1 (1.1) of the Federal Act shall be deemed to have come into force on the 1st day of January, 1987, and apply with respect to taxation years ending after the 31st day of December, 1986.

(4) Subsections 3 (3), (6) and (8) and section 6 of this Act shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to taxation years ending after the 31st day of December, 1984.

(5) Subsections 3 (7) and (9) of this Act shall be deemed to have come into force on the 1st day of January, 1986, and apply with respect to taxation years ending after the 31st day of December, 1985.

(6) Section 7 of this Act shall be deemed to have come into force on the 1st day of January, 1987, and applies to interest accrued as of the 31st day of December, 1986 and to the period after the 31st day of December, 1986 with respect to penalties that are imposed after the 31st day of December, 1986 or that are imposed before the 1st day of January, 1987 and remain unpaid after the 31st day of December, 1986.

(7) Section 2 and subsection 3 (1) of this Act shall be deemed to have come into force on the 1st day of January, 1988.

(8) Sections 4 and 5 of this Act shall be deemed to have come into force on the 1st day of January, 1988, and apply to taxation years ending after the 31st day of December, 1987.

(9) Section 10 of this Act shall be deemed to have come into force on the 8th day of June, 1988.

(10) Section 9 of this Act comes into force on the day this Act receives Royal Assent, and applies with respect to claims made in respect of taxation years ending before or after the day this Act receives Royal Assent.

12. The short title of this Act is the *Income Tax Amendment Act, 1988*. Short title

CA2ON
XB
-B56

Bill 194 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 194

An Act to restrict Smoking in Workplaces

The Hon. G. Sorbara
Minister of Labour



1st Reading November 30th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

Under the Bill smoking is prohibited in all areas of a workplace except in designated smoking areas, public areas, areas used for lodging and private dwellings.

Bill 194 1988

An Act to restrict Smoking in Workplaces

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"enclosed workplace" means an enclosed building or structure in which an employee works and includes a shaft, tunnel, caisson or similar enclosed space;

"smoking" includes carrying a lighted cigar, cigarette or pipe and "smoke" has a corresponding meaning.

Prohibition

2.—(1) No person shall smoke in an enclosed workplace.

Exception

(2) Subsection (1) does not apply so as to prohibit smoking,

(a) in a smoking area designated by an employer under subsection 3 (1);

(b) in an area used primarily for serving the public;

(c) in an area used primarily for lodging; or

(d) in a private dwelling.

Designated smoking areas

3.—(1) An employer may designate one or more areas in an enclosed workplace as smoking areas.

Maximum area permitted

(2) The total space for designated smoking areas at an enclosed workplace shall not exceed 25 per cent of the total floor area of the enclosed workplace, exclusive of the places described in clauses 2 (2) (b), (c) and (d).

Consultation required

(3) An employer shall consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area.

Definitions

(4) In subsection (3),

"health and safety representative" means a health and safety representative selected under the *Occupational Health and Safety Act*;

R.S.O. 1980, c. 321

"joint health and safety committee" means a joint health and safety committee established under section 8 of the *Occupational Health and Safety Act* or a similar committee or arrangement, program or system in which employees participate.

Signs required

4. An employer shall post and keep posted such signs as may be prescribed respecting smoking in a workplace.

Obligation of employer

5. An employer shall make every reasonable effort to ensure that no person contravenes subsection 2 (1).

Inspection and enforcement

6.—(1) An inspector appointed under the *Occupational Health and Safety Act* may inspect enclosed workplaces to determine whether this Act is being complied with.

Powers of inspector

(2) For the purpose of subsection (1), an inspector,

(a) may enter an enclosed workplace, other than a private dwelling, at any time without warrant or notice;

(b) may require the production of any drawings, specifications or floor plans for an enclosed workplace, other than a private dwelling, and may inspect, examine and copy them; and

(c) may make inquiries of any person who is or was in a workplace.

Obstruction

(3) No person shall hinder, obstruct or interfere with an inspector in the execution of the inspector's duties under this section.

Orders by inspectors

7.—(1) If an inspector finds that an employer is not complying with section 4 or 5, the inspector may order the employer or a person whom the inspector believes to be in charge of the workplace to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies.

Contents of order

(2) An order made under subsection (1) shall indicate generally the nature and, when appropriate, the location of the non-compliance.

(3) An inspector is not required to hold or afford to an employer or another person an opportunity for a hearing before making an order under subsection (1). No hearing required before making order

(4) An order under subsection (1) may be appealed. Appeals from order of an inspector

(5) Section 32 of the *Occupational Health and Safety Act* applies with necessary modifications to an appeal of an order under subsection (1). Idem R.S.O. 1980, c. 321

8.—(1) Every person who contravenes subsection 2 (1) or 6 (3) is guilty of an offence and on conviction is liable to a fine of not more than $2,000. Offence

(2) Every employer who fails to comply with section 4 or 5 or an order made under subsection 7 (1) is guilty of an offence and on conviction is liable to a fine of not more than $2,000. Idem

(3) Every person who causes, authorizes, permits or participates in an offence under subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $2,000. Derivative

9. The Lieutenant Governor in Council may make regulations prescribing signs and providing for their use. Regulations

10.—(1) In the event of conflict between this Act and another Act or a regulation or a municipal by-law respecting smoking in a workplace, the provision that is the most restrictive of smoking prevails. Conflict with other Acts, etc.

(2) Nothing in this Act prevents a municipality from passing by-laws respecting smoking in workplaces. Municipal by-laws

11. This Act binds the Crown. Binding on the Crown

12. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

13. The short title of this Act is the *Smoking in the Workplace Act, 1988*. Short title

XB
-B56

Government Publications

Bill 196 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 196

An Act to amend the Psychologists Registration Act

The Hon. E. Caplan
Minister of Health



1st Reading December 8th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The Bill amends the provisions of the Act relating to the composition and remuneration of the Ontario Board of Examiners in Psychology. It increases the membership of the Board from five to ten; amends the qualifications required for members; requires a quorum of three members, one of whom must be a lay member; limits the term of office to three years; and provides that remuneration of the lay members be determined by the Lieutenant Governor in Council.

Bill 196 1988

An Act to amend the Psychologists Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Psychologists Registration Act*, being chapter 404 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Board continued

2.—(1) The board known as the Ontario Board of Examiners in Psychology is continued.

Composition

(2) The Board shall be composed of,

(a) seven registered psychologists appointed by the Lieutenant Governor in Council, of whom not fewer than two and not more than three shall hold a full-time appointment in a Department of Psychology in a university acceptable to the Board; and

(b) three persons appointed by the Lieutenant Governor in Council who are neither registered under this Act nor registered or licensed under any other Act governing a health practice.

Term

(3) The members of the Board shall be appointed for a term not exceeding three years and may be reappointed for further terms.

Remuneration

(4) The members of the Board appointed under clause (2) (b) shall be paid expenses and remuneration as determined by the Lieutenant Governor in Council out of moneys appropriated therefor by the Legislature.

2. Section 4 of the said Act is repealed and the following substituted therefor:

Quorum

4. Three members of the Board, one of whom is a person appointed under clause 2 (2) (b), constitute a quorum.

3. Clause 5 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing the remuneration of the members of the Board appointed under clause 2 (2) (a) and providing for the payment of necessary expenses of the Board in the conduct of its business.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Psychologists Registration Amendment Act, 1988*.

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Bill 196

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 196

(Chapter 74
Statutes of Ontario, 1988)

An Act to amend the Psychologists Registration Act

The Hon. E. Caplan
Minister of Health

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Queen's Park

1st Reading	December 8th, 1988
2nd Reading	December 14th, 1988
3rd Reading	December 15th, 1988
Royal Assent	December 15th, 1988

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Bill 196 1988

An Act to amend the Psychologists Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Psychologists Registration Act*, being chapter 404 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Board continued

2.—(1) The board known as the Ontario Board of Examiners in Psychology is continued.

Composition

(2) The Board shall be composed of,

(a) seven registered psychologists appointed by the Lieutenant Governor in Council, of whom not fewer than two and not more than three shall hold a full-time appointment in a Department of Psychology in a university acceptable to the Board; and

(b) three persons appointed by the Lieutenant Governor in Council who are neither registered under this Act nor registered or licensed under any other Act governing a health practice.

Term

(3) The members of the Board shall be appointed for a term not exceeding three years and may be reappointed for further terms.

Remuneration

(4) The members of the Board appointed under clause (2) (b) shall be paid expenses and remuneration as determined by the Lieutenant Governor in Council out of moneys appropriated therefor by the Legislature.

2. Section 4 of the said Act is repealed and the following substituted therefor:

Quorum

4. Three members of the Board, one of whom is a person appointed under clause 2 (2) (b), constitute a quorum.

3. Clause 5 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing the remuneration of the members of the Board appointed under clause 2 (2) (a) and providing for the payment of necessary expenses of the Board in the conduct of its business.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Psychologists Registration Amendment Act, 1988*.

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1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 197

An Act to amend the Regional Municipality of Sudbury Act

The Hon. J. Eakins
Minister of Municipal Affairs

LIBRARY
DEC
University of Toronto

1st Reading December 12th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The Bill repeals the existing requirement for a mandatory update of the assessment roll in 1987 for the 1988 taxation year or in 1988 for the 1989 taxation year.

Bill 197 **1988**

An Act to amend the Regional Municipality of Sudbury Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 74 (5) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 1, is repealed.

(2) Subsection 74 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 1, is amended by striking out "subsections (5) and (6)" in the first line and inserting in lieu thereof "subsection (6)".

2. This Act shall be deemed to have come into force on the 1st day of January, 1988. Commencement

3. The short title of this Act is the *Regional Municipality of Sudbury Amendment Act, 1988*. Short title

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Bill 197

(Chapter 12
Statutes of Ontario, 1989)

An Act to amend the Regional Municipality of Sudbury Act

The Hon. J. Eakins
Minister of Municipal Affairs

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1st Reading	December 12th, 1988
2nd Reading	February 21st, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 197 1988

An Act to amend the Regional Municipality of Sudbury Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 74 (5) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 1, is repealed.

(2) Subsection 74 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 1, is amended by striking out "subsections (5) and (6)" in the first line and inserting in lieu thereof "subsection (6)".

2. This Act shall be deemed to have come into force on the 1st day of January, 1988. Commencement

3. The short title of this Act is the *Regional Municipality of Sudbury Amendment Act, 1989*. Short title

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-B56

Government Publications

Bill 198

An Act to amend the Limitations Act

Mr. Cooke
(Kitchener)

LIBRARY
DEC 9 1988
University of Toronto

1st Reading December 12th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to extend the limitation period for an action arising from sexual abuse or sexual assault to the later of the two following time periods:

1. Twenty years after the cause of action arose.

2. Ten years after the time the person bringing the action discovers that the injury was caused by the sexual abuse or sexual assault and the injury no longer renders the person unable to bring an action.

Bill 198 1988

An Act to amend the Limitations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Limitations Act*, being chapter 240 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

45a.—(1) In this section, "injury" includes emotional distress. Definition

(2) Despite clause 45 (1) (j), an action arising from sexual abuse or sexual assault shall be commenced within the later of the two following time periods: Limitation, sexual assault or sexual abuse

1. Twenty years after the cause of action arose.

2. Ten years after the time the person bringing the action discovers that the injury was caused by the sexual abuse or sexual assault and the injury no longer renders the person unable to bring an action.

2. Section 47 of the said Act is amended by inserting after "45" in the second line "45a".

3. Section 48 of the said Act is amended by inserting after "45" in the second line "45a".

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Limitations Amendment Act, 1988*. Short title

Publications

Bill 199 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 199

An Act to amend The Ryerson Polytechnical Institute Act, 1977

The Hon. L. McLeod
Minister of Colleges and Universities



1st Reading December 14th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to enable Ryerson Polytechnical Institute to add to its list of baccalaureate degree offerings by regulations.

Bill 199 **1988**

An Act to amend The Ryerson Polytechnical Institute Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 10 (h) of *The Ryerson Polytechnical Institute Act, 1977*, being chapter 47, is repealed and the following substituted therefor:

(h) to grant bachelor of applied arts, bachelor of technology, bachelor of business management and such other baccalaureate degrees as may be prescribed by the regulations made under this Act; and

. . . . .

2. The said Act is amended by adding thereto the following section:

17a. The Lieutenant Governor in Council may make regulations prescribing degrees that may be granted by the Academic Council. Regulations

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Ryerson Polytechnical Institute Amendment Act, 1988*. Short title

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Bill 199

(Chapter 13
Statutes of Ontario, 1989)

An Act to amend The Ryerson Polytechnical Institute Act, 1977

The Hon. L. McLeod
Minister of Colleges and Universities

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1st Reading	December 14th, 1988
2nd Reading	January 11th, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 199 **1988**

An Act to amend The Ryerson Polytechnical Institute Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 10 (h) of *The Ryerson Polytechnical Institute Act, 1977*, being chapter 47, is repealed and the following substituted therefor:

(h) to grant bachelor of applied arts, bachelor of technology, bachelor of business management and such other baccalaureate degrees as may be prescribed by the regulations made under this Act; and

. . . . .

2. The said Act is amended by adding thereto the following section:

Regulations

17a. The Lieutenant Governor in Council may make regulations prescribing degrees that may be granted by the Academic Council.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Ryerson Polytechnical Institute Amendment Act, 1989*.

Publications

1st SESSION, 34th LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

Bill 200

An Act to confirm a certain Agreement between the Governments of Canada and Ontario

The Hon. I. Scott
Minister Responsible for Native Affairs

LIBRARY
JAN 4 1989
University of Toronto

1st Reading December 15th, 1988
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

In 1924 an agreement was entered into between the Dominion of Canada and the Province of Ontario in respect of certain Indian Lands. The agreement was incorporated into *The Indian Lands Act, 1924*. Now, a sequel to that agreement was entered into and is set out in Schedule A to the Bill. The 1986 agreement provides that it comes into force when confirmed by the Parliament of Canada and the Legislature of Ontario. The Bill is to provide the confirmation by Ontario.

Bill 200 1988

An Act to confirm a certain Agreement between the Governments of Canada and Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The 1986 Indian Lands Agreement, reproduced as Schedule A, is hereby confirmed. Agreement confirmed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Indian Lands Agreement Confirmation Act, 1988*. Short title

SCHEDULE A

Memorandum of Agreement made this 5th day of August, 1986.

Between:

THE GOVERNMENT OF CANADA as represented by the Minister of Indian and Northern Affairs for Canada (hereinafter referred to as Canada)

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO as represented by the Minister of Natural Resources for the Province of Ontario (hereinafter referred to as Ontario)

This agreement witnesseth that the parties hereto have agreed as follows:

1. Definitions

(a) "Band", "Council of the Band", "Surrender", "Custom" and "Indian" have the same meaning as those words in the *Indian Act*, R.S.C. 1970, c. I-6, as the same may be amended from time to time;

(b) "land" includes any interest in land;

(c) "minerals" includes gold, silver and all other metals, precious and base, and coal, natural gas, oil, salt, sand and gravel;

(d) "1924 Agreement" means the agreement between Canada and Ontario dated March 24, 1924, and the statutes confirming it, i.e., Statutes of Canada, 14-15 George V, chapter 48, and Statutes of Ontario, 14 George V, chapter 15.

2. Ontario, Canada, and any band or group of bands may enter into specific agreements. Any one or more Bands may enter into one or more specific agreements.

3. A specific agreement may be entered into with respect to any matter or question relating to lands or natural resources, including any of the following:

(a) any matter dealt with in the 1924 Agreement;

(b) administration and control;

(c) the exercise, allocation or transfer or disposal of any interests in lands or natural resources;

(d) minerals, mineral rights and royalties, and the disposition or taxation of any of them;

(e) hydro powers;

(f) disposition of lands or natural resources;

(g) consequences of extinction or enfranchisement of a band;

(h) disposition of any monies;

(i) the non-applicability of any provision or provisions of the 1924 Agreement;

(j) any other provision required for the implementation of a specific agreement.

4. The provisions of any specific agreement shall have effect upon confirmation. In the event of any inconsistency with the 1924 Agreement, the specific agreement shall supercede.

5. Neither this Agreement nor any specific agreement shall affect the validity of any treaty or surrender.

6. Canada and Ontario may enter into an agreement or agreements for the confirmation of patents issued or other dispositions of land by the other with respect to land, but no such agreement or confirmation shall in any way affect the rights of any band or the recourse which any band would, absent such agreement, have against any person or land, including the Crown and Crown lands.

7. If Canada has collected money or collects money on behalf of any band or bands pursuant to sales or other dispositions of land or interests in land, Ontario acknowledges that Canada may continue to administer that money for the use and benefit of the band or bands, but in no case shall money collected by Canada expressly on behalf of Ontario be deemed to be money collected by Canada on behalf of a band or bands.

8. This Agreement shall come into force when it is confirmed by the Parliament of Canada and the Legislature of Ontario and such confirmations come into force.

9. A specific agreement shall come into force when it is confirmed by Orders-in-Council of both Canada and Ontario and is confirmed by the band.

10. Confirmation by a band of a specific agreement shall take place:

(a) by a Referendum conducted pursuant to regulations made by the Governor General-in-Council under the authority of the Act of Parliament implementing this Agreement; or

(b) pursuant to the band's custom or constitution, provided that the Council of the band gives written notification to the Minister of Indian Affairs and Northern Development and to the Minister of Natural Resources for Ontario that confirmation took place pursuant to the band's custom or constitution, as the case may be.

11. Where a specific agreement affects or deals with lands, lands affected shall be described in a schedule to the specific agreement.

12. No specific agreement entered into by any band shall be binding upon any other band or have any effect on any other band unless it has been confirmed by that other band.

13. A specific agreement may be amended by the parties or their successors in the same manner as it was originally made.

IN WITNESS WHEREOF the said parties hereto have set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of

P. Francoeur
as to the execution of

Minister of Indian and
Northern Affairs

Bill McKnight
Minister of Indian and
Northern Affairs for
Canada

Adair Ireland-Smith
as to the execution of

Minister of Natural
Resources

Vincent G. Kerrio
Minister of Natural
Resources for the
Province of Ontario

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Publications

Bill 201 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 201

An Act to amend the Municipal Act

The Hon. J. Eakins
Minister of Municipal Affairs



1st Reading January 12th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The purpose of the Bill is to enable a county council to pass by-laws assuming power over waste management in the county. A by-law to this effect requires approval by a two-thirds vote of all the votes on county council and by at least one vote from a majority of the local municipalities forming part of the county for municipal purposes.

If the county council adopts a waste management plan or assumes power over waste management functions, the power of the local municipalities in this area is restricted.

If disputes arise under the Act, the Ontario Municipal Board may determine the matter (subsections 209a (12) and (25)).

Bill 201 1989

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

209a.—(1) In this section, Definitions

"municipality" means a municipality as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford; R.S.O. 1980, c. 303

"participating local municipality" means a local municipality to which a by-law passed under subsection (2) applies;

"waste" means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the council of a county;

"waste management plan" means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan;

"waste management power" means any power conferred by any general or special Act on local municipalities or local boards thereof related to the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste.

(2) The council of a county may pass a by-law to empower it to adopt a waste management plan or to assume any or all of the waste management powers, or both, for all the local Waste management plan and waste management powers

municipalities forming part of the county for municipal purposes.

Exemption

(3) The council of a county may, with the consent of the council of the local municipality, by by-law exempt that local municipality from a by-law under subsection (2) but the consent is not required in respect of a repeal of the by-law.

Voting requirements for approval

(4) No by-law under subsection (2) or (3) may be passed or repealed unless,

(a) at least two-thirds of all the votes on county council are cast in its favour; and

(b) at least one vote is cast in its favour by the majority of the local municipalities forming part of the county for municipal purposes.

Preparation of plan

(5) The council of a county may provide for the preparation and adoption of a waste management plan for which it has passed a by-law under subsection (2) but no plan shall be adopted until notice of the proposed plan containing such information as may be prescribed is given in the manner and to the persons and agencies prescribed.

Conformity to plan

(6) If a waste management plan is in effect, the county or local board thereof or the participating local municipalities or local boards thereof shall not undertake any waste management service or facility or pass a by-law for any purpose under a waste management power that does not generally conform to the plan.

Non-conforming undertakings, preliminary steps permitted

(7) Notwithstanding subsection (6), the county or local board thereof or the participating local municipalities or local boards thereof may consider the undertaking of a waste management service or facility that does not conform with the waste management plan and for that purpose may apply for any approval that may be required, carry out investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work.

Limitation

(8) Nothing in subsection (7) authorizes the actual undertaking of any waste management service or facility that does not conform with a waste management plan.

Effect of by-law

(9) When a by-law passed under subsection (2) comes into effect,

(a) the county is responsible for the waste management powers assumed by the county in all participating local municipalities;

(b) the county has all the powers conferred by any general or special Act upon the participating local municipalities or local boards thereof related to the waste management powers assumed by the county.

County has exclusive jurisdiction

(10) If a waste management power has been assumed by the county, no person or municipality shall provide waste management services or facilities under a similar or equivalent power within the participating local municipalities without the consent of the council of the county, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

Continuation of waste management services

(11) Subsection (10) does not apply to prevent any person or municipality which does not form part of the county for municipal purposes or which is not a participating municipality from providing a waste management service or facility if that waste management service or facility was being lawfully provided on the effective date of the by-law, so long as that waste management service or facility continues without interruption.

Appeal to O.M.B. where disagreement or consent denied

(12) If consent is refused under subsection (10) or the applicant and the council of the county fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

Terms

(13) The Municipal Board may impose such terms and conditions as it considers appropriate and the decision of the Municipal Board is final.

Non-application of R.S.O. 1980, c. 347, s. 94

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (13).

Transfer of assets, liabilities

(15) All rights and obligations and all assets and liabilities of a participating local municipality or local board thereof pertaining to or primarily used in connection with the waste management powers assumed by the county are vested in the county and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the county and the participating local municipality or local board thereof.

Assumption by county of certain debts

(16) The county shall pay to the participating local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any out-

standing debt of such participating local municipality or local board thereof in respect of the waste management powers assumed by the county.

Interest on late payments

(17) If the county fails to make any payment required under subsection (16) on or before the due date, the participating local municipality or local board may charge the county interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from such date until payment is made.

Transfer of agreements to county

(18) If a participating local municipality or local board thereof had entered into an agreement with another person or municipality in respect of the waste management power assumed by the county, the county shall be bound by the agreement and the participating local municipality or local board thereof is relieved of all liability under the agreement.

Agreements respecting waste management

(19) The council of the county may enter into agreements with any person or municipality for establishing, constructing, operating or managing, at their joint expense and for their joint benefit, any waste management service or facility that is within the jurisdiction of the council as a result of the passage of the by-law under subsection (2).

Idem

(20) Where the county has passed a by-law under subsection (2) to empower it to adopt a waste management plan, the council of the county may enter into agreements with any municipality for developing, at their joint expense and for their joint benefit, joint objectives and policies for the provision of waste management services or facilities.

Collection of waste management rates

(21) Notwithstanding section 368e, the council of a county may by by-law provide for imposing on and collecting from participating local municipalities in which it is providing waste management services or facilities, a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the capital costs including debenture charges and expenditures for the maintenance and operation of the waste management services or facilities in the participating local municipalities and such rate may vary based on the volume, weight or class of waste or on any other basis the council of the county considers appropriate and specifies in the by-law.

Rates constitute debt of county

(22) All rates under subsection (21) constitute a debt of the participating local municipality to the county and shall be payable at such times and in such amounts as may be specified by by-law of the council of the county.

Payment and collection of rates

(23) Notwithstanding sections 368 and 368e, the participating local municipality may,

(a) pay the whole or part of the amount chargeable to it under this section out of its general funds;

(b) pass by-laws for imposing a rate sufficient to recover the whole or part of the amount chargeable to it under this section in the same manner as by-laws under paragraphs 85 and 86 of section 210 may be passed; and

(c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the participating local municipality under any general or special Act.

Designation and utilization of waste management facilities

(24) If under a by-law passed under subsection (2) a county assumed the responsibility for providing services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, the council of the county may, for each participating local municipality, designate one or more services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste or any class or classes thereof and, where such a designation has been made, a participating local municipality shall not utilize any services or facilities except the services or facilities that have been so designated for that local municipality.

Dispute resolution

(25) If a dispute arises in respect of the financial adjustments or the vesting of assets, including a reserve fund, under subsection (15), the county, participating local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board has power to hear and determine the matter and its decision is final.

Non-application of R.S.O. 1980, c. 347, s. 94

(26) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (25).

Regulations

(27) The Lieutenant Governor in Council may make regulations,

(a) prescribing, for the purposes of subsection (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;

(b) providing for the security of employment and the protection of benefits of employees affected by by-laws passed or repealed under this section;

(c) prescribing the criteria for determining the amount of the financial adjustments payable under subsection (15) and for providing which body shall pay and which body shall receive the financial adjustments under that subsection;

(d) establishing a dispute settlement mechanism that may be used to attempt to resolve a dispute described in subsection (25) before an application is made to the Municipal Board.

2. Subsection 368 (1) of the said Act is amended by adding at the commencement thereof "Subject to section 209a but".

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Municipal Amendment Act, 1989*.

CA2ON
XB
-B56

Bill 202

An Act to amend the Health Protection and Promotion Act, 1983

Mrs. Grier



1st Reading January 19th, 1989

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to prohibit the sale of irradiated food and food which contains ingredients which have been irradiated.

Bill 202 **1989**

An Act to amend the Health Protection and Promotion Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Health Protection and Promotion Act, 1983*, being chapter 10, is amended by adding thereto the following section:

17a.—(1) In this section, Definition

"ionizing radiation" means,

(a) gamma radiation from a Cobalt-60 or Cesium-137 source,

(b) X-rays generated from a machine operated at or below an energy level of 5 MeV,

(c) electrons generated from a machine operated at or below an energy level of 10 MeV, and

(d) such other radiation as is designated by regulation.

(2) No person shall sell or offer for sale any food which has been treated with ionizing radiation. Sale of irradiated food

(3) No person shall sell or offer for sale any food which contains any ingredient that has been treated with ionizing radiation. Idem

2. Subsection 95 (1) of the said Act is amended by adding thereto the following clause:

(da) designating levels and types of radiation for the purposes of section 17a.

3. Subsection 99 (3) of the said Act is repealed and the following substituted therefor:

Offence, sections of Act

(3) Any person who contravenes section 16, 17, 17a, 18, 20, 38 or 39, subsection 40 (9), subsection 41 (1), subsection 73 (2) or section 104 is guilty of an offence.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Health Protection and Promotion Amendment Act, 1989*.

CA20N
XB
B56

Bill 203 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 203

An Act to amend certain Acts as they relate to the Law Society

The Hon. I. Scott
Attorney General



1st Reading January 23rd, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The Bill amends the *Law Society Act* to permit permanent residents of Canada to practise law in Ontario.

Bill 203 **1989**

An Act to amend certain Acts as they relate to the Law Society

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 28 (b) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by striking out "other British subjects" in the first and second lines and inserting in lieu thereof "permanent residents of Canada".

(2) Clause 28 (c) of the said Act is amended by striking out "other British subjects" in the first and second lines and inserting in lieu thereof "permanent residents of Canada".

(3) Subsection 32 (1) of the said Act is amended by striking out "other British subject" in the second line and inserting in lieu thereof "a permanent resident of Canada".

(4) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Transition re British subjects

(2) Any member who is not a Canadian citizen or a permanent resident of Canada on the 1st day of July, 1989 ceases to be a member on that day.

Readmission

(3) Any person whose membership is terminated under subsection (1) or (2) may, upon becoming a Canadian citizen or a permanent resident of Canada, make application for readmission as a member and Convocation may readmit the person.

2. Subsections 25 (2), (3), (4) and (5) of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed.

Commencement

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of July, 1989.

Short title

4. The short title of this Act is the *Law Society Amendment Act, 1989*.

XB
-B56

Bill 203

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 203

(Chapter 14
Statutes of Ontario, 1989)

An Act to amend certain Acts as they relate to the Law Society

The Hon. I. Scott
Attorney General



1st Reading	January 23rd, 1989
2nd Reading	February 14th, 1989
3rd Reading	February 23rd, 1989
Royal Assent	February 27th, 1989

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Bill 203 1989

An Act to amend certain Acts as they relate to the Law Society

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 28 (b) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by striking out "other British subjects" in the first and second lines and inserting in lieu thereof "permanent residents of Canada".

(2) Clause 28 (c) of the said Act is amended by striking out "other British subjects" in the first and second lines and inserting in lieu thereof "permanent residents of Canada".

(3) Subsection 32 (1) of the said Act is amended by striking out "other British subject" in the second line and inserting in lieu thereof "a permanent resident of Canada".

(4) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Transition re British subjects

(2) Any member who is not a Canadian citizen or a permanent resident of Canada on the 1st day of July, 1989 ceases to be a member on that day.

Readmission

(3) Any person whose membership is terminated under subsection (1) or (2) may, upon becoming a Canadian citizen or a permanent resident of Canada, make application for readmission as a member and Convocation may readmit the person.

2. Subsections 25 (2), (3), (4) and (5) of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed.

Commencement

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of July, 1989.

Short title

4. The short title of this Act is the *Law Society Amendment Act, 1989*.

CA2ON
XB
-B56

Bill 204 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 204

An Act to amend the Power Corporation Act

The Hon. R. Wong
Minister of Energy



1st Reading January 23rd, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

SECTION 1. Housekeeping.

SECTION 2. The potential size of the Board is increased by four members. The president is designated as chief executive officer of the Corporation. Directors are no longer restricted to serving only three terms. The chairperson is required to carry out such duties as the Board may from time to time stipulate.

SECTION 3. It is provided that no more than six weeks should elapse between meetings of the Board.

SECTION 4. The Board is authorized to delegate additional responsibilities to the finance committee and to appoint other committees and delegate powers to them. The Board and its committees are authorized to act by written resolution or electronic means that permit simultaneous and instantaneous discussion.

SECTION 5. The requirement that the chairperson be full time is removed.

SECTION 6. The indemnity provisions of the Act are extended to accord with the provisions of the *Business Corporations Act, 1982*.

SECTION 7. The Corporation is required to make such further reports and information available to the Minister of Energy or to the Treasurer as these ministers may from time to time require.

SECTION 8. The Minister of Energy is empowered to issue policy statements approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties. The Corporation is required to respect the policy statements in exercising a power or duty and the Board is required to use its best efforts to ensure that the exercise of a power or duty broadly conforms to any such policy statement.

The Corporation is required to enter into a memorandum of understanding with the Minister of Energy and to comply with that memorandum in exercising its powers and duties.

The Corporation is required to prepare and submit to the Minister of Energy plans in such form and for such periods as the Minister may call for.

The Minister of Energy, with the approval of the Lieutenant Governor in Council, is empowered to appoint persons to conduct an inquiry concerning any matter to which the Act applies.

SECTION 9. Section 12 of the Act now provides that all money in the hands of the Corporation form one fund known as the general fund. The amendment provides that the Pension and Insurance Fund of Ontario Hydro is not part of the general fund.

SECTION 10. The Corporation is authorized to place the net proceeds resulting from related business ventures carried on by a subsidiary of the Corporation to the credit of the stabilization of rates and contingencies reserve account.

SECTION 11. The list of securities in which the Corporation is enabled to make investments is expanded to include any securities, financial contract agreements and investments prescribed by the regulations.

SECTION 12. The Corporation is authorized to establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan. The Act now provides that the terms of the Plan be prescribed by a regulation made by the Corporation and approved by the Lieutenant Governor in Council. The amendment authorizes the Corporation to establish its own rules relating to the terms of its pension plans.

SECTION 13. The Lieutenant Governor in Council may make regulations authorizing the Corporation to participate in economic development programs in respect of specific regions of the Province. The section also provides regulation making authority in respect of powers delegated to the finance committee, approved investments for the general fund and matters to be set out in the memorandum of understanding.

SECTIONS 14 and 15. Section 34 of the Act now provides that compensation for damage that does not constitute an expropriation or injurious affection shall be determined by a board of valuation set up under that section. The amendments provide that compensation shall be determined directly by the board of negotiations under the *Expropriations Act*.

SECTION 16. The Corporation is authorized to purchase residential premises from relocated employees and required to pay municipal tax on such premises as if they were owned by any other person.

SECTION 17. Housekeeping.

SECTION 18. The present provisions relating to continuance of easements in respect of the Corporation are extended to municipal corporations. The Corporation or municipal corporation is required, upon request, to inform a person intending to acquire an interest in land as to whether it has an unregistered easement relating to that land.

SECTION 19. The maximum fine for nailing or attaching things to the Corporation's property is increased from $10 to $200.

SECTION 20. Section 51 is amended to enable the Corporation to issue discount securities.

SECTION 21. The section authorizes the Lieutenant Governor in Council, on such terms as are approved by order in council, to guarantee payments of premiums in addition to principal and interest on securities.

SECTION 22. Housekeeping.

SECTION 23. The Corporation is given ancillary powers held by companies to which the *Corporations Act* applies. Some of these powers are given subject to approval by the Lieutenant Governor in Council.

SECTION 24. The list of matters that an energy conservation program may include is expanded to include programs to reduce electricity use through increased efficiency and programs to shift electrical loads from times of high demand to times of lower demand.

SECTION 25. The Corporation is enabled to provide incentives and technical assistance to encourage electricity conservation and promote the efficient use of electricity and of the electrical system.

SECTION 26. The Corporation is enabled to provide incentives and technical assistance to assist parallel generation.

SECTION 27. The Corporation is enabled to lease machinery and apparatus.

SECTION 28. The Corporation, subject to the approval of the Lieutenant Governor in Council, is enabled to engage in related business ventures and for the purpose to incorporate subsidiaries and to become involved in business ventures within and beyond Ontario.

SECTION 29. The maximum rate of interest to be charged to a municipal corporation on any payment in arrears for the cost of power is changed from 9 per cent per year to the Corporation's average short term borrowing rate.

SECTION 30. The Corporation is allowed to supply power to customers outside Canada only if that supply is surplus to the reasonably foreseeable power requirements of Ontario customers and other customers in Canada. The price for supplying power to customers outside Canada is required to be enough to recover the appropriate share of costs and more than the price charged to customers in Canada for equivalent service.

The Board is required to ensure that the requirements for power of Ontario customers and other customers in Canada are met before meeting the requirements for power of customers outside Canada.

SECTION 31. The rate of interest to be credited to a municipal corporation for any surplus held by the Corporation is changed from 4 per cent per year to the Corporation's average short term borrowing rate.

SECTION 32. The Corporation is given authority consistent with that exercised by municipal utilities under the *Public Utilities Act* to require customers to give reasonable security for the payment of rates and charges and to shut off the supply of power in default of payment.

SECTION 33. The Board now hears complaints as to rates charged for power by any municipal corporation, company or person supplied by the Corporation. Under the amendment, the complaints would be heard by a committee of the Board consisting of the chairperson and at least two other members of the Board.

SECTION 34. The regulation making authority of the Corporation is amended by allowing the Corporation to adopt other codes by reference and to require compliance with any code or standard of a municipal corporation.

The maximum penalty for interfering with an electrical inspector is increased from $50 to $500.

The maximum penalty for non-compliance with safety regulations is increased from $500 to $5,000.

SECTION 35. Section 95 of the Act allows the Corporation to make orders fixing the rates of municipal corporations having a population of less than 200,000 for power supplied by the Corporation. This is made to apply to all municipal corporations.

SECTION 36. Housekeeping.

Bill 204 1989

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 1, is repealed and the following substituted therefor:

1.—(1) In this Act, unless the contrary intention appears, Definitions

"Board" means the board of directors of the Corporation;

"buildings" includes all buildings, structures and works that the Corporation may deem necessary for the purposes of this Act;

"chairperson" means the chairperson of the Board;

"Corporation" means the body corporate referred to in section 2;

"director" means a member of the Board;

"energy conservation program" means an energy conservation program under section 56a;

"heat energy" means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale;

"land" means real property and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land;

"Minister" means the Minister of Energy;

"municipal corporation" means the corporation of a locality the inhabitants of which are incorporated and includes the

corporation of a metropolitan, regional or district municipality and The Corporation of the County of Oxford;

"owner" includes a mortgagee, lessee, tenant, occupant and any other person entitled to a limited estate or interest in land and a guardian, committee, executor, administrator or trustee in whom land is vested;

"power" means electrical power and includes electrical energy;

"prescribed" means prescribed by the regulations made under this Act;

"president" means the president of the Corporation;

"supply" includes delivery, dealing in, and sale;

"Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics;

"works" includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

Powers, duties to be exercised from time to time

(2) If a power is conferred or a duty is imposed on the Corporation or the Board, the power may be exercised and the duty shall be performed from time to time as occasion requires.

2.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:

Composition of Board

(1) There shall be a board of directors of the Corporation consisting of a chairperson, a vice-chairperson, a president and not more than fourteen other directors.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The chairperson shall carry out the duties that are assigned to the chairperson by the Board.

(3) Subsection 3 (3) of the said Act is amended by striking out "two" in the fourth line.

(4) Section 3 of the said Act is further amended by adding thereto the following subsection:

(5a) The president shall be the chief executive officer of the Corporation. Chief executive officer

3. Subsection 4 (2) of the said Act is repealed and the following substituted therefor:

(2) Meetings of the Board shall be held at the call of the chairperson. Meetings of Board

(2a) The chairperson shall call at least one meeting of the Board in each calendar month and shall not allow more than six weeks to elapse between meetings of the Board. Frequency of meetings

4.—(1) Subsection 5 (2) of the said Act is repealed and the following substituted therefor:

(2) The Board may appoint a finance committee consisting of the chairperson, the vice-chairperson, the president and at least three other directors. Finance committee

(2) Section 5 of the said Act is amended by adding thereto the following subsections:

(4) The Board may delegate its powers under clause 17 (c) and sections 19, 51 and 55 and any prescribed powers to the finance committee. Delegation of powers

(5) The Board may appoint other committees and may delegate to other committees any of its powers other than those described in subsection (4). Other committees

(6) The Board may impose any restrictions on a delegation under subsection (4) or (5). Restrictions

(7) If all the directors present at or participating in the meeting consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed to be present at that meeting. Meetings by telephone, etc.

(8) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors. Resolutions in writing

Copy to be kept

(9) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.

5. Subsection 6 (1) of the said Act is repealed.

6. Subsection 7 (5) of the said Act is repealed and the following substituted therefor:

Indemnification of directors, etc. 1982, c. 4

(5) Section 136 of the *Business Corporations Act, 1982* applies with necessary modifications to the Corporation as if it were a corporation incorporated under that Act.

Idem

(5a) Section 136 of that Act applies in respect of employees, former employees and their heirs and legal representatives in the same manner that it applies in respect of officers, former officers and their heirs and legal representatives.

7. Section 9 of the said Act is amended by adding thereto the following subsection:

Other reports

(2) The Corporation shall make such further reports and provide such further information to the Minister or the Treasurer of Ontario as required from time to time.

8. The said Act is amended by adding thereto the following sections:

Policy statements

9a.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties under this Act.

Corporation to respect policy statements

(2) In exercising a power or duty under this Act, the Corporation shall respect any policy statement that relates to its exercise.

Board to ensure exercise conforms to statement

(3) In exercising a power or duty under this Act, the Board shall use its best efforts to ensure that such exercise broadly conforms to any policy statement that relates to its exercise, and shall report to the Minister whenever it does exercise a power or duty that relates to a policy statement.

Memorandum of understanding

9b.—(1) Within six months after the coming into force of this section and at least once in every three years thereafter, the Corporation and the Minister shall enter into a memorandum of understanding.

Contents of memorandum

(2) The memorandum of understanding shall clearly set out,

(a) the Corporation's accountability to the Minister;

(b) the Corporation's reporting requirements to the Minister and to such other persons as are specified in the memorandum;

(c) matters of government policy that the Corporation shall respect in the conduct of its affairs;

(d) any other prescribed matter;

(e) any other matter agreed to by the Corporation and the Minister.

Corporation to comply

(3) The Corporation shall comply with the memorandum of understanding in exercising its powers and duties under this Act.

Submission of plans

9c.—(1) The Corporation shall submit to the Minister any plans that the Minister may from time to time require.

Form and content of plans

(2) A plan submitted under subsection (1) shall be in the form and for the period required by the Minister.

Commission of inquiry

9d.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may by order appoint one or more persons to conduct an inquiry concerning any matter to which this Act applies that is specified in the order.

Powers of persons conducting inquiry
R.S.O. 1980, c. 411

(2) The persons appointed under subsection (1) have the powers of a commission under Part II of the *Public Inquiries Act*.

Report

(3) The persons appointed under subsection (1) shall report the results of the inquiry to the Minister.

9. Section 12 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Subsection (1) does not apply to the Pension and Insurance Fund of Ontario Hydro.

10. Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

(c) the net proceeds resulting from related business ventures carried on by any of the Corporation's subsidiaries.

11. Subsection 19 (1) of the said Act is amended by adding thereto the following paragraph:

6. The prescribed securities, financial contract agreements and investments.

12.—(1) Subsection 20 (1) of the said Act is amended by striking out "regulations" in the sixth line and inserting in lieu thereof "rules".

(2) Subsection 20 (3) of the said Act is amended by striking out "prescribed by the regulations" in the second and third lines and inserting in lieu thereof "provided for by the rules".

(3) Clause 20 (5) (a) of the said Act is amended by striking out "regulations" in the fourth line and inserting in lieu thereof "rules".

(4) Subsection 20 (7) of the said Act is repealed and the following substituted therefor:

Other pension plans

(7) The Corporation may establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan.

Rules

(7a) The Corporation may make rules with respect to its pension plans, including rules,

(a) setting out the class or classes of employees who are eligible to be members of a plan, the time at which membership shall commence and the period of time thereafter within which an employee may elect not to be a member of a plan;

(b) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the funds superseded by the fund where the employee elects not to be a member of a plan;

(c) setting out the period of employment with the Corporation alone, or with a previous or subsequent employer and the Corporation, that constitutes service for the purpose of determining pension benefits;

(d) providing for the transfer from or to the fund of a pension entitlement and setting out the terms and conditions upon which pension benefits under a plan in respect of employment with a previous employer may be provided by the transfer to the fund of such a pension entitlement;

(e) setting out the persons who may receive benefits under a plan;

(f) setting out the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the funds superseded by the fund;

(g) setting out the amount for which any employee or pensioner shall be insured from time to time;

(h) setting out the payments to be made from the fund or by an insurer, upon,

(i) termination of employment,

(ii) retirement from employment on pension,

(iii) disability, or

(iv) death,

and the terms and conditions upon which, and the person or persons to whom, such payments shall be made;

(i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection (5);

(j) setting out the intervals of time within which an actuarial valuation of the fund shall be made;

(k) respecting any matter necessary or advisable to carry out effectively the intent and purposes of this section.

13. The said Act is further amended by adding thereto the following section:

Regulations

21a.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) prescribing additional powers that may be delegated to the finance committee;

(b) prescribing investments for the purposes of paragraph 6 of subsection 19 (1).

Idem

(2) The Lieutenant Governor in Council may make regulations prescribing other matters to be set out in a memorandum of understanding under section 9b.

Idem

(3) Notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement, the Lieutenant Governor in Council may by regulation,

(a) authorize the Corporation to participate in one or more government programs relating to economic development and named in the regulation; and

(b) prescribe the region or regions to which that authority extends, the manner in which that authority shall be exercised and the conditions to which that authority is subject.

14. Section 34 of the said Act is repealed and the following substituted therefor:

Compensation for damage

34.—(1) Where a power exercised under section 23 or 32 does not constitute an expropriation or injurious affection, compensation shall be paid to the owner for all damage to property resulting from the exercise of the power.

Application of R.S.O. 1980, c. 148

(2) The *Expropriations Act* applies with necessary modifications to the exercise of a power under subsection (1) as if it constituted injurious affection.

Limitation

(3) Where the lines or works of the Corporation are situate upon the King's Highway or any other highway, compensation for felling or removing trees or branches of trees is payable under subsection (1) only to the extent to which it is payable by a municipality under section 313 of the *Municipal Act*.

R.S.O. 1980, c. 302

15. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Effect of failure to give notice

(2) Where a claimant fails to give or gives insufficient notice of a claim within the period required by subsection (1), either the Corporation or the owner may request the board of negotiation under the *Expropriations Act* to attend and investigate the damage complained of.

R.S.O. 1980, c. 148

Idem

(3) The board of negotiation may award such compensation as appears to it to be just if it is satisfied that,

(a) there was reasonable excuse for the failure to give or the insufficiency of the notice; and

(b) the Corporation was not thereby prejudiced.

(4) A finding of the board of negotiation under subsection (3) is final and binding upon the owner and the Corporation. Idem

16. The said Act is further amended by adding thereto the following section:

37a.—(1) The Corporation may purchase the residential premises owned and occupied by an employee or officer of the Corporation if employment by the Corporation obliges the employee or officer to reside in a new location. Homes of transferred employees

(2) The Corporation may sell or lease residential premises acquired under subsection (1). Idem

(3) Notwithstanding section 46, a residential premises purchased by the Corporation under this section is liable to assessment and taxation as if it were owned by any other person. Premises subject to municipal taxation

17. Subsection 40 (10) of the said Act is amended by striking out "or of the Divisional Court, such order is final" in the ninth line and inserting in lieu thereof "to be benefitted by such works or improvements".

18. Section 42 of the said Act is repealed and the following substituted therefor:

42.—(1) In this section, "right" means any right, interest, way, privilege, permit or easement. Definition

(2) Notwithstanding any other Act, where any right has heretofore been or is hereafter acquired by the Corporation, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land continues subject to the right for the term thereof and it is binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Corporation. Continuance of right

(3) Where a right mentioned in subsection (1) has heretofore been or is hereafter assigned by the Corporation to a municipal corporation or a commission established or deemed to be established under Part III of the *Public Utilities Act*, unless it is otherwise agreed, the land continues subject to the right for the term of the assignment and the right continues to Transfer of easements, etc., to commission R.S.O. 1980, c. 423

bind all owners of the land until expiration or release by the municipal corporation or commission.

Information

(4) The Corporation, a municipal corporation or a commission mentioned in subsection (3), upon the request of a person intending to acquire an estate or interest in any land, shall make a search of its records and inform the person as to whether or not it has a right that relates to the land that is not registered under the *Land Titles Act* or the *Registry Act*.

R.S.O. 1980, cc. 230, 445

Idem

(5) Where the Corporation, municipal corporation or commission informs the person that it has a right mentioned in subsection (4), it shall also inform the person as to the term and extent of the right.

Time

(6) The Corporation, municipal corporation or commission shall provide the information mentioned in subsections (4) and (5) not later than twenty-one days after the date on which it receives the request for the information.

Compensation

(7) A person who suffers loss or damage due to the failure of the Corporation, municipal corporation or commission to comply with subsections (4) to (6) is entitled to compensation for the loss or damage from the Corporation, municipal corporation or commission, as the case may be.

Application of R.S.O. 1980, c. 148

(8) The *Expropriations Act* applies with necessary modifications to a claim for compensation under subsection (7) as if it constituted injurious affection and, for the purpose,

(a) a reference to the statutory authority shall be deemed to be a reference to the Corporation, municipal corporation or the commission, as the case requires; and

(b) a reference to the owner shall be deemed to be a reference to the person mentioned in subsection (4).

Application of subss.(4-8)

(9) Subsections (4) to (8) do not apply where works of the Corporation, municipal corporation or commission are visible on the land that is subject to the right.

19. Subsection 44 (1) of the said Act is amended by striking out "not less than $5 and not more than $10" in the fifth and sixth lines and inserting in lieu thereof "not more than $200".

20.—(1) Subsections 51 (1) and (2) of the said Act are repealed and the following substituted therefor:

Definition

(1) In this section, "securities" means notes, discount notes, bonds, debentures and other securities.

General borrowing powers

(1a) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

(a) borrow from time to time such sums of money as it may consider requisite for any of its purposes;

(b) for the purpose of such borrowing, issue securities bearing no interest or bearing interest at such rate or rates as the Corporation may determine at the time of issue;

(c) determine the time or times, the manner, the place or places in Canada or elsewhere and the currency of such country or countries in which the principal, interest if any and premium if any are payable; and

(d) determine at the time of their issue the time or times, the price or prices and the manner, either with or without premium, that such securities are redeemable in advance of maturity.

Idem

(2) The Corporation, without any further approval of the Lieutenant Governor in Council, may from time to time authorize the issue of securities if,

(a) it has by resolution passed and approved under subsection (1a) authorized the borrowing of money by the issue from time to time of securities maturing not later than five years from the respective dates of issue and bearing interest, if any, at a rate or rates not exceeding the maximum rate of interest specified in the resolution;

(b) the securities are within the maximum principal amount prescribed by the resolution;

(c) the securities bear such respective dates of issue and mature not later than five years from those dates; and

(d) the securities bear interest, if any, at such respective rates not exceeding the said maximum interest if any.

(2) Clause 51 (3) (b) of the said Act is amended by inserting after "notes" in the first line "discount notes".

(3) Clause 51 (3) (d) of the said Act is amended by inserting after "notes" in the second line "discount notes".

(4) Subsection 51 (5) of the said Act is amended by inserting after "notes" in the second line "discount notes".

(5) Subsection 51 (7) of the said Act is amended by inserting after "notes" in the third line "discount notes".

(6) Subsection 51 (8) of the said Act is amended by inserting after "notes" in the first line "discount notes".

21.—(1) Subsection 53 (1) of the said Act is repealed and the following substituted therefor:

Guaranteeing bonds of Corporation

(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal, interest and premium of any notes, discount notes, bonds, debentures or other securities issued by the Corporation.

Form and manner

(1a) Any such guarantee shall be in the form and manner approved by the Lieutenant Governor in Council.

Signing

(1b) A guarantee shall be signed by the Treasurer of Ontario or the Deputy Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council.

After signature, Province is liable

(1c) After a guarantee is so signed, the Province of Ontario becomes liable for the payment of the principal, interest and premium of the notes, discount notes, bonds, debentures or other securities as provided in the guarantee.

Payment authorized

(1d) The Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of a guarantee and to advance the money necessary for that purpose out of the Consolidated Revenue Fund.

Conclusive evidence

(1e) Any guarantee signed in accordance with subsection (1b) is conclusive evidence of the guarantee.

(2) Subsection 53 (2) of the said Act is amended by inserting after "notes" in the ninth line and in the thirteenth line "discount notes".

22. Subsection 55 (2) of the said Act is amended by inserting after "notes" in the second line "discount notes".

23. **Section 56 of the said Act is amended by adding thereto the following subsections:**

(2) Clauses 23 (1) (c), (f), (o), (p) and (v) and sections 279, 280, 281 and 282 of the *Corporations Act* apply with necessary modifications to the Corporation in carrying out its purposes and business. Incidental powers R.S.O. 1980, c. 95

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may exercise the powers set out in clauses 23 (1) (a), (b), (d), (e) and (h) of the *Corporations Act* in carrying out its purposes and business. Idem

24. **Subsection 56a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by adding thereto the following paragraphs:**

5. The reduction of electrical energy use through more efficient use of electricity.

6. The shifting of electrical loads from times of high demand to times of lower demand.

25.—(1) **Subsection 56b (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after "money" in the second line "and provide such incentives and technical assistance".**

(2) **Subsection 56b (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after "loan" in the first line "or incentive or assistance".**

(3) **Subsection 56b (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after "money" in the first line "or provide incentives or assistance".**

26. **The said Act is further amended by adding thereto the following section:**

56h.—(1) In this section, "parallel generation" means the generation of power from equipment that is neither owned nor operated by the Corporation and that is directly or indirectly connected to a power distribution or transmission system of the Corporation. Definition

(2) The purposes and business of the Corporation include the encouragement of parallel generation. Parallel generation

Loans, etc., for parallel generation

(3) The Corporation may loan such money and provide such incentives and technical assistance as the Corporation determines appropriate for the encouragement of parallel generation.

Terms and conditions

(4) A loan or incentive or assistance under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

27. Subsection 57 (1) of the said Act is repealed and the following substituted therefor:

Corporation may purchase, lease, sell supplies

(1) The Corporation may purchase or lease such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of power and may sell or dispose of any such thing that it owns.

28. The said Act is further amended by adding thereto the following section:

Definition

59a.—(1) In this section, "related business venture" means a business venture to assist the Corporation in carrying out its purposes, a business venture through which the Corporation can market its products or expertise or any other business venture related to the matters it is authorized to carry on under sections 23, 56, 56d, 56g and 57.

Related business ventures

(2) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

(a) carry on related business ventures within and outside Ontario; and

(b) for the purpose may acquire by purchase or otherwise shares or stock in a corporation or the securities of a corporation or may incorporate a corporation to carry on such ventures.

Restriction

(3) A corporation whose shares, stock or securities are acquired under subsection (2) or that is incorporated under subsection (2) shall not carry on an activity for which the Corporation is required to obtain the approval of the Lieutenant Governor in Council without obtaining the approval of the Lieutenant Governor in Council.

29.—(1) Section 62 of the said Act is amended by striking out "not in excess of 9 per cent per annum" in the fifth and sixth lines.

(2) The said section 62 is further amended by adding thereto the following subsection:

(2) The rate of interest under subsection (1) shall not exceed a rate equal to the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the date the payment went into arrears. Rate of interest

30. Section 69 of the said Act is amended by adding thereto the following subsections:

(1a) The Corporation may exercise the discretion under subsection (1) in respect of a proposed contract for supplying power outside Canada only if, Restriction

(a) that supply of power is surplus to the reasonably foreseeable power requirements of Ontario and other customers in Canada; and

(b) the price to be charged for that supply of power will recover the appropriate share of the costs incurred in Ontario and be more than the price charged to customers in Canada for equivalent service.

(1b) The Board shall ensure that the requirements for power of Ontario customers and any requirements for power under contracts with other customers in Canada are met before meeting the requirements for power of any customer outside Canada. Idem

(1c) Subsections (1a) and (1b) apply notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement. Idem

31.—(1) Section 78 of the said Act is amended by striking out "interest at the rate of 4 per cent per year" in the seventh and eighth lines and inserting in lieu thereof "on an annual basis interest calculated under subsection (2)".

(2) The said section 78 is further amended by adding thereto the following subsection:

Calculation of interest

(2) Interest under subsection (1) shall be calculated by determining the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the beginning of the year for which the interest is calculated.

32. Section 90 of the said Act is amended by adding thereto the following subsections:

Reasonable security

(2) The Corporation may require any customer in the rural power district to give reasonable security for the payment of its rates and charges,

(a) before supplying power to the customer;

(b) as a condition of continuing such supply; or

(c) before performing any work or providing any service for the purpose of such supply.

Power to shut off supply

(3) In default of payment, the Corporation may shut off the supply of power but the rates or charges in default are, nevertheless, recoverable.

33.—(1) Subsection 92 (1) of the said Act is amended by inserting after "which" in the eighth line "a committee of".

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

Committee

(1a) The committee shall consist of the chairperson and at least two other directors appointed by the chairperson.

(3) Subsection 92 (2) of the said Act is amended by striking out "Board" in the first line and inserting in lieu thereof "committee".

(4) The said section 92 is further amended by adding thereto the following subsection:

Decision of Board

(3) A decision of the committee shall be deemed to be a decision of the Board.

34.—(1) Subsection 93 (1) of the said Act is amended by adding thereto the following clauses:

(e) adopting by reference, in whole or in part, with such changes as the Corporation with the approval of the Lieutenant Governor in Council considers necessary, any code or standard and requiring

compliance with any code or standard that is so adopted;

(f) requiring compliance with any code or standard under a rule or by-law of a municipal corporation or commission.

(2) Subsection 93 (11) of the said Act is repealed and the following substituted therefor:

(11) Every municipal or other corporation or commission, and every company, firm or individual, Offences

(a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of the inspector's or employee's duty under this section is guilty of an offence and on conviction is liable to a fine of not more than $500 for each offence;

(b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for each offence;

(c) refusing or neglecting to comply with an order issued by the Corporation under subsection (5) is guilty of an offence and on conviction is liable to a fine of not more than $5,000 and a further fine of not more than $500 for each day upon which such refusal or neglect is repeated or continued.

35. Subsection 95 (2) of the said Act is amended by striking out "having a population of less than 200,000" in the fifth and sixth lines.

36. The said Act is further amended by striking out "chairman" wherever it appears and inserting in lieu thereof in each instance "chairperson" and by striking out "vice-chairman" wherever it appears and inserting in lieu thereof in each instance "vice-chairperson".

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

38. The short title of this Act is the *Power Corporation Amendment Act, 1989*. Short title

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-B56

Bill 205 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 205

An Act to amend the Amusement Devices Act, 1986

The Hon. W. Wrye
Minister of Consumer and Commercial Relations

LIBRARY
University of Toronto

1st Reading January 24th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

SECTION 1. Section 6 of the Act deals with unsafe operation of amusement devices. The new subsection is an extension of this concept.

SECTION 2. The new subsection extends the powers of inspectors.

SECTION 3.—Subsection 1. Subsection 12 (1) of the Act is rewritten to authorize an inspector to close down an amusement device that is being operated without a permit or in contravention of a permit. Currently, the inspector has a discretion to issue the closing down of the operation. The rewritten provision makes the issuing of the order mandatory.

Subsection 2. The change to subsection 12 (2) of the Act is complementary to the change in subsection 1 above.

SECTION 4. The new section 12a allows an inspector who finds an infraction that does not present a hazard to order that the infraction be rectified. If the infraction is rectified, no charge will be laid.

SECTION 5. Subsection 13 (1) of the Act is modified to allow an appeal from an order made under the new section 12a of the Act as set out in section 4 of the Bill.

SECTION 6. Subsection 16 (1) of the Act is rewritten to shift the duty of notifying the Director of an accident from the operator to the licensee. The changes to the rewritten subsection 16 (2) is partly complementary to the change in subsection 16 (1) and partly housekeeping in nature.

SECTION 7.—Subsection 1. The amendment makes it an offence to disobey an inspector's order.

Subsection 2. The effect of the new subsection 17 (3) is to permit a charge to be laid within one year of an alleged offence instead of only within six months.

SECTION 8. Section 18 of the Act authorizes the making of regulations. Two clauses are being added to this authority to enable new categories of fees to be charged for prescribed inspections. Subsection 18 (4) of the Act currently permits the Director to allow a variance from an adopted code. The subsection is rewritten to permit the Director a greater discretion where technical matters are involved. The idea is to allow some flexibility to accommodate technological changes if there is not a decrease in the standard of safety.

Bill 205 **1989**

An Act to amend the Amusement Devices Act, 1986

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Amusement Devices Act, 1986*, being chapter 6, is amended by adding thereto the following subsection:

(4) No person shall behave in or on an amusement device or do any work on an amusement device in such manner as to, Dangerous behaviour

(a) impair the safe operation of the device; or

(b) endanger any person.

2. Section 10 of the said Act is amended by adding thereto the following subsection:

(2a) An inspector designated under subsection (1), Idem

(a) may require that a part of an amusement device be sealed to prevent readjustment thereof; and

(b) if there is reasonable grounds to believe that an amusement device can not or will not be operated safely, may require the licensee of the device to conduct, at the licensee's expense, such tests as the inspector may specify.

3.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) An inspector who has reason to believe that an amusement device, Order not to use

(a) is not being or can not be operated safely;

(b) will be operated unsafely; or

(c) is being operated other than in accordance with a permit,

shall order that the device not be operated or used and shall affix a seal thereto.

(2) Subsection 12 (2) of the said Act is amended by adding at the end thereof "or that the device will be operated in accordance with a permit, as the case may be".

4. The said Act is amended by adding thereto the following section:

Where contravention

12a.—(1) An inspector who has reason to believe that there is a contravention of this Act or the regulations that does not present an immediate hazard may serve the contravenor or a person who has the authority to correct the contravention with a written order directing that the deficiency be corrected within the time specified in the order.

Idem

(2) Any person who receives an order under subsection (1) and complies with the order is not guilty of an offence in respect of the contravention that was the subject-matter of the order.

5. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

Appeal

(1) Any person affected by an order of an inspector may appeal at any time to the Director.

6. Subsections 16 (1) and (2) of the said Act are repealed and the following substituted therefor:

Notification of accident, etc.

(1) If an accident or an incident occurs in connection with an amusement device that results in the death of or serious injury to any person, the licensee responsible for the device shall immediately notify the Director of the accident or incident.

Idem

(2) Every licensee responsible for an amusement device that is involved in an accident or in any incident indicating that the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the accident or incident and shall submit to the Director, within seven days after the accident or incident, a written report setting out the particulars of the accident or incident.

7.—(1) Subsection 17 (1) of the said Act is amended by inserting after "regulations" in the second line "or who fails to comply with an order of an inspector".

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred. Time limit

8.—(1) Subsection 18 (1) of the said Act is amended by adding thereto the following clauses:

(ma) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees are to be paid;

(mb) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid.

(2) Subsection 18 (4) of the said Act is repealed and the following substituted therefor:

(4) The Director may allow a variance from any regulation to accommodate technological problems or advances if, in the opinion of the Director, the variance would not detrimentally affect the safe use of the amusement device involved. Variance by Director

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Amusement Devices Amendment Act, 1989*. Short title

CA2ON
XB
B56

Bill 206

An Act to amend the Elevating Devices Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations

LIBRARY
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1st Reading January 24th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The effect of the new subsection 30 (3) is to permit a charge to be laid within one year of an alleged offence instead of only within six months.

Bill 206 1989

An Act to amend the Elevating Devices Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of the *Elevating Devices Act*, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred. Time limit

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Elevating Devices Amendment Act, 1989*. Short title

CA2ON
XB
-B56

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 207

An Act to amend the Energy Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations

LIBRARY
JAN 31 1989
University of Toronto

1st Reading January 24th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The Act permits the adoption by reference of codes such as the Electrical Code. The new provisions permit the Director to allow variances from the adopted codes and is identical to the provisions found in the *Elevating Devices Act*.

Clause 28 (1) (na) is new and is designed to allow local inspectors to administer adopted codes.

Bill 207 **1989**

An Act to amend the Energy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 28 (1) of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(na) designating persons or classes of persons empowered to administer any code or standard adopted under subsection (2) and delegating to the designated persons or classes the authority to administer any code or standard adopted.

(2) Section 28 of the said Act is amended by adding thereto the following subsections:

(4) The Director may allow a variance from any code adopted under the regulations or any provision in the regulations where, in the Director's opinion, the variance would not detrimentally affect the safety of the appliance, pipeline or work. Variance by Director

(5) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any conditions specified. Use of new codes, etc.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Energy Amendment Act, 1989*. Short title

CA2ON
XB
-B56

Bill 208

An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

The Hon. G. Sorbara
Minister of Labour



1st Reading January 24th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. These definitions relate to the Workplace Health and Safety Agency and the specially trained certified members of the health and safety committees established by proposed sections 10 and 23a of the Act.

Subsection 2. The definition of "constructor" is amended to clarify that works and undertakings underground in a mine are not governed by the construction regulations.

Subsection 3. Under the amendment, a person holding a logging licence under the *Crown Timber Act* or a person who undertakes logging for such a person will be an employer and subject to the duties of an employer under the Act and the regulations.

Subsection 4. The definition of "logging" is amended to include the maintenance of haul roads, scarification, carrying out of planned burns and silviculture.

Subsection 5. "Mining developments" are taken out of the definition of "project" in order to clarify that mining developments are governed by the mining regulations and not the construction regulations.

Subsection 6. A ship under construction or under repair will be treated as a project and will be subject to the provisions of the Act and the regulations that relate to construction projects. An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee the quality control at a project.

SECTION 2. This amendment provides that certain sections of the Act apply to self-employed persons.

SECTION 3. The amendments to section 7 of the Act will require a constructor at a project or an employer at any other work place, where a joint health and safety committee is not required, to cause the selection of a health and safety representative when the number of workers at the project or other work place regularly exceeds five.

The representative is required to inspect at least part of physical condition of the work place at least once a month such that the whole of the work place is inspected at least once in each twelve-month period.

The representative's powers are expanded to include the right to obtain information from the employer concerning testing, to be consulted concerning such tests and to be present at their commencement.

SECTION 4.—Subsection 1. Clause 8 (1) (b) of the Act now contains specific exemptions from the requirement that a joint health and safety committee be established. The exemption for construction projects will be limited to projects which are anticipated to last less than three months. The amendments will remove these exemptions and authorize the Lieutenant Governor in Council to make regulations exempting classes of employers or work places.

Subsection 2. Necessary amendments are made to section 8 to reflect the fact that this section now applies to constructors as well as employers subject to the exemptions set out in subsection (1).

Subsection 3. The minimum size of a committee is changed from two to four persons, or such greater number as may be prescribed, if there are more than fifty workers in the work place. It is clarified that, where possible, representatives are required to be from the work place. A person ceases to be a member of the committee if that person ceases to be employed at the work place. Committees are required to have co-chairpersons, one of whom represents workers and the other of whom represents the employer.

Subsection 4. At least one committee member representing the employer and one representing workers will be required to be a certified member.

Subsections 5 to 7. The frequency of inspections can be changed by an order of an inspector or by regulation. If possible, the inspection is to be done by a certified member of the committee. The constructor, employer and workers are to provide assistance necessary for the health and safety inspections to be done. The member shall advise the committee of health and safety concerns and the committee is required to consider the information.

Subsection 8. The proposed amendment would require that the committee member be given at least one hour of paid time to prepare for each committee meeting.

SECTION 5. The proposed section 8a of the Act will require the committee at a construction project to set up a worker trades committee. The worker trades committee is to inform the construction project committee of the health and safety concerns of the workers of the trades. The time spent by the members of the trades committee attending meetings is to be work time for which the worker is paid, up to a maximum number of hours established by the construction project committee.

The proposed section expands the powers of a committee or a health and safety representative at a workplace to include the right to obtain information from the employer concerning industrial hygiene testing, to be consulted concerning such tests and to be present at their commencement.

SECTION 6. This amendment will create a Workplace Health and Safety Agency. The Agency will have a board of directors, appointed by the Lieutenant Governor in Council, consisting of two full-time co-chairpersons, one representing labour and the other representing management, and twelve part-time directors, six representing labour and six representing management. The Lieutenant Governor in Council will also have the power to appoint an executive director, on the recommendation of the board of directors, who will be a non-voting member of the board. The executive director is to carry out the directions of the board and to be responsible for the day to day operations of the Agency and may hire employees and consultants. The term and the remuneration of the members of the board and the executive director are to be determined by the Lieutenant Governor in Council.

The powers of the Agency are set out in the proposed subsection 10 (7).

The Agency is responsible to the Minister and if the Agency fails to fulfil any of its functions, the Minister may intervene.

The board of directors may delegate the Agency's powers and duties to employees of the Agency.

Safety Associations formed under section 123 of the *Workers' Compensation Act* are transferred to the Agency, except for the Farm Safety Association which may be transferred by regulation at a later date. The Agency has the power to vary the rules of operation of the safety associations transferred to its authority and can alter their composition.

The Workers' Compensation Board is to transfer annually to the Agency an amount, subject to certain limitations, determined by the Lieutenant Governor in Council from funds levied by the Board in respect of occupational health and safety related matters.

One year after this section comes into force, the Agency may not provide grants or funding to any accident prevention association, health and safety medical clinic or training centre unless management and workers have equal representation in respect of the operation of the association, clinic or training centre.

The Advisory Council on Occupational Health and Occupational Safety is abolished.

SECTIONS 7 AND 8. Necessary amendments to reflect other changes.

SECTION 9. This section adds to the duties imposed on an employer to maintain and provide a written occupational health and safety policy and to provide copies of requests made under the Act.

SECTION 10. The employer will have further duties to establish a medical surveillance program for the benefit of workers as prescribed and to carry out such training programs for workers, supervisors and committee members as prescribed.

Employers will be required to pay the worker's costs for the worker's participation in the employer's medical surveillance program, including reasonable travel expenses.

SECTION 11. The requirement for workers to undergo medical tests or examinations where prescribed is revoked.

SECTION 12. In the proposed section 18a, owners of property where construction work is carried out will be required to provide to prospective constructors as part of the tendering process, and, in any event, before entering into a binding contract with the constructor, a list of all designated substances that are present on the project site. Similarly, constructors will be required to ensure that prospective contractors and subcontractors are provided with such a list as part of the tendering process, and, in any event, before entering a binding contract. Owners and constructors who fail to comply with this provision will be liable to the person to whom the information should have been provided for any loss or damage.

SECTION 13. Architects and professional engineers will now be in contravention of the Act if they give negligent advice or certify equipment or a project the result of which is that a worker is endangered.

SECTION 14. Under the proposed section 19a, directors and officers of corporations will be required to take all reasonable care to ensure that the Act and regulations and orders under them are complied with.

SECTION 15. Self-explanatory.

SECTION 16. The amendment will remove the requirement to file a floor plan showing the location of all hazardous materials. Instead the employer will be required to keep the floor plan in an accessible place in the work place and to post a notice of its location.

SECTION 17. The Act presently requires an employer to provide an inventory of all hazardous materials in the work place and their material safety data sheets to the medical officer of health for the area, the local fire department and a Director. The proposed amendment will require that the inventory and material safety data sheets be provided to such persons only upon request or if so required by regulation.

SECTION 18. Self-explanatory.

SECTION 19.—Subsections 1, 2 and 3. The worker's right to refuse to work is expanded to include the situation where the worker has reason to believe that an activity he or she is about to engage in is likely to endanger someone.

Subsection 4. The proposed amendment clarifies that the time spent by a worker who has exercised his or her right to refuse and is standing by pending the completion of the investigation is work time for which the worker is to be paid.

SECTION 20. Under the proposed section 23a, if a certified member finds that a provision of the Act or the regulations is being contravened, the contravention poses a danger or a hazard to a worker, and the danger or hazard is such that any delay in controlling it will cause serious risk to a worker, the certified member may direct the employer to stop the specific work or the use of the specific machine or equipment.

The employer is to comply with the direction to stop work immediately and is to investigate the circumstances in the presence of the certified member. A direction to stop work may be cancelled by the certified member or by an inspector of the Ministry.

If on a worker's complaint, a certified member has reason to believe that a situation requiring a stop work direction exists, the certified member may investigate.

Under section 23b, the time spent by a certified member under section 23a shall be deemed to be work time for which the member is to be paid.

Under the proposed section 23c, if an employer believes that a certified worker has unreasonably exercised his or her powers under section 23a, the employer may file a complaint with the Agency which shall hear the complaint. If the Agency finds that the certified member gave a direction to stop work negligently or in bad faith, the Agency shall decertify the member. If the Agency finds that the member otherwise behaved improperly, the Agency can give such order as it considers appropriate. The decision of the Agency is final. If a member's certification is revoked by the Agency, that person is not eligible to be re-certified.

SECTION 21. The protection to workers against reprisals by their employers is extended to include a prohibition against reprisals to a worker who has given testimony in a proceeding under the Act or under the *Coroners Act*.

SECTION 22. This amendment provides that an employer must give notice to a Director and the committee, the health and safety representative and the trade union, if any, when a claim in respect of an occupational illness has been filed with the Workers' Compensation Board.

SECTION 23.—Subsection 1. Same as changes to section 23 of the Act (section 19 of the Bill).

Subsection 2. This section expands an inspector's powers to require an employer to cause tests to be conducted, by the appropriate experts, at the employer's expense and to provide reports of them, to require an employer not to allow equipment to be used pending testing, and to require the production of materials concerning the content of training programs.

SECTION 24. Under the proposed section 28a, an inspector may order an inspection frequency of a work place different from that set out in the Act.

Under the proposed section 28b, the powers of an inspector are increased to allow the inspector to seize documents and things to be used as evidence in a prosecution under the Act.

SECTION 25. The amendments to section 29 authorize an inspector to provide in an order for compliance that an employer prepare and submit a compliance plan detailing how and when the employer proposes to comply with the order.

A stop work order would now remain in effect until the inspector has withdrawn or cancelled it following an inspection. However, an employer will be able to resume work pending the inspection if the employer has given notice of compliance to an inspector and a committee member representing workers or a health and safety representative advises an inspector that he or she agrees that the order has been complied with.

SECTION 26. The proposed section 30a provides that a constructor or an employer shall submit to the Ministry written notice of compliance within three days of the time the constructor or the employer believes compliance has been achieved. The notice is to be accompanied by a statement of a committee member representing workers or a health and safety representative agreeing or disagreeing with the constructor's or the employer's view or a statement that the member or representative declines to make such a statement. The notice of compliance is to be posted along with the order in a conspicuous

place in the work place for fourteen days following its submission. The section also provides that the final determination of whether compliance has been achieved is left to an inspector.

SECTION 27. The proposed subsection 34 (1a) provides for the confidentiality of worker's health records.

SECTION 28. The protection in the Act against actions for damages is extended to persons who act as advisors for the Ministry and the directors, executive director and employees of the Agency.

SECTION 29. The maximum fine for a corporation convicted of an offence under the Act is increased from $25,000 to $500,000.

SECTION 30. This amendment allows the admission of a certificate of analysis of a test or analysis of equipment or things as evidence in a proceeding under the Act without requiring the strict proof of the signature or official character of the document.

SECTION 31. The Attorney General or an agent of the Attorney General is given the right to require that a trial of an offence under the Act be presided over by a provincial court judge rather than a justice of the peace.

SECTION 32. The regulation-making powers are increased to reflect the changes to the Act made by this Bill.

SECTION 33.—Subsection 1. The proposed amendment to section 91 of the *Workers' Compensation Act* enables the Workers' Compensation Board to take into account recommendations received from the Agency respecting the increasing or decreasing of contributions under subsections 91 (4) and (6).

Subsection 2. Section 123 of the *Workers' Compensation Act* is re-enacted to continue the provisions of that section with respect only to the farm-related safety associations.

Bill 208 **1989**

An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 44 and 1987, chapter 29, section 1, is further amended by renumbering paragraph 1 as paragraph 1b and by adding thereto the following paragraphs:

1. "Agency" means the Workplace Health and Safety Agency established under section 10;

1a. "certified member" means a committee member who is certified by the Agency under clause 10 (7) (c).

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof "but does not include any work or undertaking underground in a mine".

(3) Paragraph 8 of the said section 1 is repealed and the following substituted therefor:

8. "employer" means a person who employs one or more workers or who contracts for the services of one or more workers and includes,

   i. a contractor or subcontractor who performs work or supplies services,

   ii. a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services,

R.S.O. 1980, c. 109

iii. a person who holds a logging licence under the *Crown Timber Act*,

iv. a person who undertakes all logging on behalf of a person described in subparagraph iii with respect to the licence.

(4) Paragraph 15 of the said section 1 is amended by inserting after "logs" in the fourth line "the maintenance of haul roads, scarification, the carrying out of planned burns, the practice of silviculture".

(5) Subparagraph ii of paragraph 23 of the said section 1 is repealed.

(6) The said section 1 is further amended by adding thereto the following subsections:

Ship under repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project.

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project.

2. The said Act is amended by adding thereto the following section:

Self-employed persons

3a. Subsections 14 (1), clauses 15 (1) (c), (e), (f) and (g), subsection 20 (1) and sections 21, 22a, 22b, 22c, 22d, 22e, 22f, 25, 26, 28, 29, 29a, 30a, 31, 32, 33, 37, 38, 39 and 40, and the regulations in relation thereto, apply with necessary modifications to a self-employed person.

3.—(1) Subsections 7 (1) and (2) of the said Act are repealed and the following substituted therefor:

Mandatory selection of health and safety representative

(1) At a project or other work place where no committee is required under section 8 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the work place who do not exercise managerial functions.

Order appointing health and safety representatives

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 8 for a work place, the Minister may, by order in writing, require a constructor or employer to cause the workers to

select one or more health and safety representatives from among the workers at the work place or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives.

(2) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

Inspections

(6) Unless otherwise required by the regulations or an order by an inspector, a health and safety representative shall inspect the physical condition of at least part of the work place in each month.

Idem

(6a) Inspections of a work place shall be conducted so that in each twelve-month period all of the work place is inspected.

Idem

(6b) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place.

(3) Section 7 of the said Act is amended by adding thereto the following subsections:

Powers of representative

(7a) A health and safety representative has the power,

(a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety and to be consulted concerning and be present at the beginning of testing conducted in or about the work place; and

(b) to obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

Response to recommendations

(7b) A constructor or employer shall respond in writing to any recommendations of a health and safety representative within thirty days after receiving them.

Idem

(7c) A response of a constructor or employer under subsection (7b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(4) Subsection 7 (10) of the said Act is amended by striking out "subsections (6), (7) and (8)" in the eighth line and inserting in lieu thereof "this section".

4.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Application

(1) Subject to subsection (3), this section does not apply,

(a) to a constructor at a project at which work is expected to last less than three months; or

(b) to a prescribed employer or work place or class of employers or work places.

(2) Subsection 8 (2) of the said Act is amended by striking out "employer" in the seventh line and inserting in lieu thereof "constructor or the employer".

(3) Subsection 8 (5) of the said Act is repealed and the following substituted therefor:

Composition of committee

(5) A committee shall consist of,

(a) at least two persons, for a work place where fewer than fifty workers are regularly employed; or

(b) at least four persons or such greater number of people as may be prescribed, for a work place where fifty or more workers are regularly employed.

Idem

(5a) At least half the members of a committee shall be workers employed at the work place who do not exercise managerial functions.

Selection of members

(5b) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions.

Idem

(5c) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, if possible, who do so at the work place.

Requirement for committee membership

(5d) A member of the committee who ceases to be employed at the work place ceases to be a member of the committee.

Committee to be co-chaired

(5e) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions.

(4) Section 8 of the said Act is amended by adding thereto the following subsections:

Certification requirement

(5f) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and one member representing workers are certified members.

Replacement of certified member

(5g) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (5f) is met.

(5) Subsection 8 (6) of the said Act is amended by striking out "and" at the end of clause (c), by adding "and" at the end of clause (d) and by adding thereto the following clause:

(e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety and to be consulted concerning and be present at the beginning of testing conducted in or about the work place.

(6) Section 8 of the said Act is further amended by adding thereto the following subsections:

Response to recommendations

(6a) A constructor or employer shall respond in writing to any recommendations of a committee within thirty days after receiving them.

Idem

(6b) A response of a constructor or employer under subsection (6a) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and

give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(7) Subsection 8 (8) of the said Act is repealed and the following substituted therefor:

Inspections

(8) Subject to subsection (8a), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the work place.

Idem

(8a) If possible, the member designated under subsection (8) shall be a certified member.

Idem

(8b) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

Idem

(8c) Unless otherwise required by the regulations or an order by an inspector, a member designated under subsection (8) shall inspect at least part of the work place in each month.

Idem

(8d) Inspections of a work place shall be conducted so that in each twelve-month period all of the work place is inspected.

Idem

(8e) The constructor, employer and the workers shall provide a member designated under subsection (8) with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place.

Information reported to the committee

(8f) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time.

(8) Subsection 8 (12) of the said Act is repealed and the following substituted therefor:

Entitlement to time from work

(12) A member of a committee is entitled to,

(a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;

(b) such time as is necessary to attend meetings of the committee; and

(c) such time as is necessary to carry out the member's duties under subsections (8c) and (9).

Entitlement to be paid

(12a) A member of a committee shall be deemed to be at work during the times described in subsection (12) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper.

(9) Subsection 8 (14) of the said Act is amended by inserting after "by" in the third line "a constructor or" and by inserting after "consulting" in the fourth line "the constructor or".

5. The said Act is further amended by adding thereto the following section:

Worker trades committee

8a.—(1) If a committee is required at a project, the committee shall establish a worker trades committee for the project.

Committee membership

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the work place.

Selection of members

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members are to represent or, if a trade union represents the workers, by the trade union.

Function of worker trades committee

(4) It is the function of a worker trades committee to inform the committee at the work place of the health and safety concerns of the workers employed in the trades at the work place.

Entitlement to time from work

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member's regular or premium rate as may be proper.

Committee to determine maximum entitlement

(6) The committee for a work place shall determine the maximum amount of time for which members of a worker trades committee for the work place are entitled to be paid under subsection (5) for each meeting of the worker trades committee.

Powers re: industrial hygiene testing

8b.—(1) The constructor or employer at a work place shall consult a health and safety representative or the committee members who represent workers with respect to proposed testing strategies for investigating industrial hygiene at the work place.

Idem

(2) The constructor or employer at a work place shall provide information to a health and safety representative or the committee members who represent workers concerning testing strategies to be used to investigate industrial hygiene at the work place.

Idem

(3) A health and safety representative or the committee members who represent workers are entitled to attend the beginning of testing conducted with respect to industrial hygiene at the work place.

6. Section 10 of the said Act is repealed and the following substituted therefor:

Workplace Health and Safety Agency

10.—(1) The Workplace Health and Safety Agency is established and shall consist of a board of directors appointed by the Lieutenant Governor in Council as follows:

1. Two full-time directors, one of whom shall represent management and one of whom shall represent labour, who shall jointly act as co-chairpersons.

2. Twelve part-time directors of whom six shall represent management and six shall represent labour.

Vacancies

(2) The Lieutenant Governor in Council shall fill any vacancy that occurs among the directors.

Executive director

(3) The Lieutenant Governor in Council shall, on the recommendation of the board of directors, appoint an executive director who shall be a non-voting member of the board of directors of the Agency and who shall,

(a) carry out the directions of the board of directors of the Agency; and

(b) be responsible for the executive management and day to day operation of the Agency.

Terms

(4) The term of the directors and of the executive director of the Agency shall be determined by the Lieutenant Governor in Council.

Remuneration

(5) The remuneration and expenses of the directors and the executive director of the Agency shall be determined by the Lieutenant Governor in Council.

Procedures

(6) The board of directors of the Agency may make rules governing its procedure including the calling of meetings, the establishment of a quorum and the conduct of meetings.

(7) The function of the Agency is and it has power to, Functions, powers

(a) develop requirements for the designation of members of committees as certified members;

(b) administer the certification process of members of committees including the training requirements;

(c) certify and decertify members of committees according to standards developed by the Agency and the provisions of this Act;

(d) review the activities of certified members and, where necessary, discipline certified members;

(e) develop and deliver educational and training programs, purchase programs from other institutions and contribute to the development of safety programs by other institutions;

(f) promote public awareness of occupational health and safety;

(g) provide funding for occupational health and safety research;

(h) develop requirements for the accreditation of employers who operate successful health and safety programs and policies;

(i) accredit and revoke the accreditation of employers according to the standards developed by the Agency;

(j) advise the Minister on matters related to occupational health and safety which may be brought to its attention or be referred to it;

(k) administer or oversee the operation of such occupational health and safety medical clinics as may be prescribed including the power to alter the rules of operation and change the organization of any clinic so prescribed;

(l) administer or oversee the operation of such safety and accident prevention associations as may be prescribed including the power to alter the rules of operation and change the organization of any association so prescribed;

(m) administer or oversee the operation of such occupational health and safety training centres as may be prescribed;

(n) make grants or provide funds, or both, for any of the purposes set out in clauses (e), (k), (l) and (m);

(o) advise the Workers' Compensation Board if accredited employers operate in such a manner as to reduce the hazard to workers in the work place;

(p) advise the Workers' Compensation Board if employers fail to take sufficient precaution for the prevention of hazards to workers;

(q) provide programs and services for a fee.

Responsible to Minister

10a.—(1) The Agency is responsible to the Minister.

Resolution by Minister

(2) If the directors of the Agency fail to fulfil any of their functions under this Act and the Minister determines there is a significant public interest at stake, the Minister may take whatever steps are necessary to ensure the functions are fulfilled.

Staff

(3) In accordance with policies approved by the board of directors of the Agency, and subject to guidelines established by the Management Board of Cabinet and subject to the *Crown Employees Collective Bargaining Act*, the executive director may appoint employees and consultants.

R.S.O. 1980, c. 108

Delegation

(4) The board of directors may delegate in writing any of the Agency's powers or duties to any employee of the Agency who may act in the place of the Agency.

Annual report

(5) The Agency shall file with the Minister not later than the first day of June in each year an annual report upon the affairs of the Agency.

Third-year review

(6) The Agency shall submit to the Minister, within three years of its establishment, a review of its mandate which may contain recommendations with respect to its powers, the administration of programs established under its mandate and any proposed changes to its powers or programs.

Annual audit

(7) The accounts of the Agency shall be audited annually by the Provincial Auditor or by an auditor appointed by the Lieutenant Governor in Council.

Transfer of safety associations R.S.O. 1980, c. 539

10b.—(1) The associations formed under section 123 of the *Workers' Compensation Act* before the coming into force of this section, except for the Farm Safety Association of Ontario, are continued under the authority of the Agency.

Regulation

(2) The Lieutenant Governor in Council may, by regulation, transfer responsibility for the Farm Safety Association of Ontario to the Agency, in which case this Act applies to the Association and the *Workers' Compensation Act* does not apply to it.

Idem

(3) The rules of operation of the associations continue in force unless varied by the Agency.

Power

(4) The Agency may alter the composition of the associations, vary their rules of operation and change their organization.

Transfer of funds

10c.—(1) The Workers' Compensation Board shall transfer annually to the Agency an amount as determined by the Lieutenant Governor in Council and such amount shall not exceed 46.6 million dollars for the fiscal year in which this section comes into force and shall be subject to increase in each subsequent fiscal year by a sum not exceeding 10 per cent of the amount fixed for the preceding fiscal year.

Method of collection

(2) The amount paid by the Workers' Compensation Board under this section shall be assessed and levied upon such employers or class of employers in Schedules 1 and 2 of the *Workers' Compensation Act* and in such manner as the Board considers appropriate.

Limitation

(3) No grant may be given under clause 71 (3) (j) of the *Workers' Compensation Act* to any organization that receives or that is eligible to receive funds or grants from the Agency under clause 10 (7) (n).

Restriction

10d.—(1) Notwithstanding clause 10 (7) (n), no grants or funds shall be given to any accident prevention association, occupational health and safety medical clinic or training centres established or continued under this Act unless management and workers who do not exercise managerial functions have equal representation in respect of the manner in which the association, clinic or training centre is operated.

Transition

(2) Subsection (1) does not apply until one year after the date this section comes into force.

7. Subsection 11 (1) of the said Act is amended by striking out "paragraph 1" in the second line and inserting in lieu thereof "paragraph 1b".

8. The heading to Part III of the said Act is repealed and the following substituted therefor:

DUTIES OF EMPLOYERS AND OTHER PERSONS

9. Subsection 14 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by striking out "and" at the end of clause (g) and by adding thereto the following clauses:

(i) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;

(j) provide to the committee or to a health and safety representative the results of any report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the report; and

(k) advise workers of the results of a report referred to in clause (j) and make available to them on request copies of any such report that is in writing.

10.—(1) Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

(ga) establish a medical surveillance program for the benefit of workers as prescribed.

(2) The said subsection 15 (1) is further amended by striking out "and" at the end of clause (h), by adding "and" at the end of clause (i) and by adding thereto the following clause:

(j) carry out such training programs for workers, supervisors and committee members as may be prescribed.

(3) Section 15 of the said Act is amended by adding thereto the following subsection:

Idem

(3) If a worker participates in a prescribed medical surveillance program, the employer shall pay,

(a) the worker's costs for any medical examinations and tests required by the medical surveillance program;

(b) the worker's reasonable travel costs respecting any medical examinations and tests required by the medical surveillance program; and

(c) the time the worker spends to undergo medical examinations and tests required by the medical surveillance program, including travel time, which shall be deemed to be work time for which the worker shall be paid by the employer at the member's regular or premium rate as may be proper.

11. Clause 17 (1) (e) of the said Act is repealed.

12. The said Act is further amended by adding thereto the following section:

Duty of project owners

18a.—(1) Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.

Tenders

(2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).

Idem

(3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.

Duty of constructors

(4) The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list referred to in subsection (1) before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

Liability

(5) An owner who fails to comply with this section is liable to the constructor and every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that the owner ought reasonably to have known of but that was not on the list prepared under subsection (1).

Idem

(6) A constructor who fails to comply with this section is liable to every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that was on the list prepared under subsection (1).

13. Section 19 of the said Act is amended by adding thereto the following subsection:

Architects and engineers 1984, cc. 12, 13

(2) An architect as defined in the *Architects Act, 1984* and a professional engineer as defined in the *Professional Engineers Act, 1984* contravenes this Act if the architect or professional engineer gives negligent advice or certifies equipment or projects which result in a worker being endangered.

14. The said Act is further amended by adding thereto the following section:

Duties of directors and officers of a corporation

19a. Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,

(a) this Act and the regulations;

(b) orders and requirements of inspectors and Directors; and

(c) orders of the Minister.

15.—(1) Subsection 21 (1) of the said Act is amended by striking out "or combination of such agents" in the seventh line and in the tenth line and by striking out "or combination of agents" in the eleventh line.

(2) Subsection 21 (2) of the said Act is amended by striking out "or combination of such agents" in the third line and by striking out "or combination of agents" in the tenth line.

(3) Subsection 21 (3) of the said Act is repealed and the following substituted therefor:

Interpretation

(3) For the purpose of this section, a biological or chemical agent is not considered to be new if, before a person manufactures, distributes or supplies the agent, it was used in a work place other than the person's work place or it is included in an inventory compiled or adopted by the Minister.

16. Subsection 22a (7) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed and the following substituted therefor:

Floor plans

(7) The employer shall keep readily accessible at the work place a floor plan, as prescribed, showing the names of all hazardous materials and their locations and shall post a notice stating where the floor plan is kept in a place or places where it is most likely to come to the attention of workers.

17.—(1) Clause 22c (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "employer" in the first line "on request or if so prescribed".

(2) Clause 22c (1) (d) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "employer" in the first line "on request or if so prescribed".

(3) Clause 22c (1) (e) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding at the end thereof "on request or if so prescribed".

(4) Subsection 22c (6) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed.

18. The heading to Part V of the said Act is repealed and the following substituted therefor:

RIGHT TO REFUSE OR TO STOP WORK
WHERE HEALTH OR SAFETY IN DANGER

19.—(1) Subsection 23 (3) of the said Act is amended by adding thereto the following clause:

(ba) the work activity the worker is required to perform is likely to endanger the worker or another worker.

(2) Subsection 23 (6) of the said Act is amended by adding thereto the following clause:

(ba) the work activity the worker is required to perform is likely to endanger the worker or another worker.

(3) Subsection 23 (8) of the said Act is amended by inserting after "thing" in the third line "work activity".

(4) Section 23 of the said Act is amended by adding thereto the following subsection:

Entitlement to be paid

(13) The time that a worker spends as required by subsections (4) and (5) shall be deemed to be work time for which the employer shall pay the worker at the worker's regular or premium rate as may be proper.

20. The said Act is further amended by adding thereto the following sections:

Certified member may require work stoppage

23a.—(1) A certified member who finds that,

(a) a provision of this Act or the regulations is being contravened;

(b) the contravention poses a danger or a hazard to a worker; and

(c) the danger or hazard is such that any delay in controlling it will cause serious risk to a worker,

may direct the employer to stop work specifying the work or the use of any part of a work place or of any equipment, machine, device, article or thing that shall be discontinued.

Investigations of complaints

(2) If a certified member receives a complaint that the circumstances described in clauses (1) (a), (b) and (c) exist, the certified member may investigate the complaint.

Duty of employer

(3) An employer shall immediately comply with a direction to stop work.

Investigation

(4) An employer who receives a direction to stop work shall forthwith investigate the circumstance in the presence of the certified member.

In case of disagreement

(5) If, after an investigation under subsection (4), the employer and the certified member disagree whether a circumstance described in clauses (1) (a) to (c) exists, either of them may notify an inspector who shall investigate and give them a decision in writing on the matter.

Work to resume

(6) The direction to stop work may be cancelled by a certified member or by an inspector.

Restriction

(7) A direction to stop work may not be given,

(a) in a work place where workers described in subsection 23 (1) are employed; or

(b) in an institution, facility or service mentioned in subsection 23 (2) if the life, health or safety of any person or the public may be in imminent jeopardy.

Entitlement to time from work

23b. The time spent by a certified member in carrying out his or her duties under section 23a shall be deemed to be work time for which the person's employer shall pay the person at the regular or premium rate as may be proper.

Complaint re: direction to stop work

23c.—(1) An employer who has reasonable grounds to believe that a certified member improperly, negligently or in

bad faith exercised a power under subsection 23a (1) or (2) may file a complaint with the Agency.

Idem

(2) The Agency shall hold a hearing and make a determination respecting a complaint filed under subsection (1).

Commencement of hearing

(3) The hearing shall be commenced within twenty working days of receiving the complaint.

Procedures

(4) The Agency may establish procedures for the filing and hearing of complaints under this section.

Parties

(5) The parties to a hearing before the Agency shall be the employer, the certified member and such other persons as the Agency may specify.

Decertification

(6) The Agency shall revoke the health and safety certification of a certified member who negligently or in bad faith gave a direction to stop work.

Improper direction

(7) The Agency may make such order as it considers appropriate if a direction to stop work was given improperly or an investigation of a complaint was carried out improperly, negligently or in bad faith.

Decision final

(8) The decision of the Agency is final.

Effect of revocation

(9) If the certificate of a member is revoked by the Agency, that person is ineligible to be re-certified.

21. **Subsection 24 (1) of the said Act is amended by striking out "or" where it appears the second time in the second-last line and by adding at the end thereof "or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*".**

22. **Subsections 26 (2) and (3) of the said Act are repealed and the following substituted therefor:**

Notice of occupational illness

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as may be prescribed.

Idem

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker

that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker.

23.—(1) Clause 28 (1) (e) of the said Act is amended by striking out "or" in the second line and by inserting after "agent" in the third line "or work activity".

(2) Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 4, is further amended by striking out "and" at the end of clause (k), by adding "and" at the end of clause (l) and by adding thereto the following clauses:

(ea) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

. . . . .

(ia) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

(ib) require in writing that any equipment, machinery or device not be used pending testing described in clause (ia);

. . . . .

(m) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.

24. The said Act is further amended by adding thereto the following sections:

Order for inspections

28a. Subject to subsection 8 (8c), an inspector may in writing direct a health and safety representative or a member

designated under subsection 8 (8) to inspect the physical condition of all or part of a work place at specified intervals.

Seizure of documents or things

28b.—(1) An inspector may, in the course of inspecting a work place, seize and carry away any document or thing that the inspector considers affords evidence as to the commission of an offence under this Act.

Time limit for detention

(2) Nothing shall be detained by an inspector under subsection (1) for a period of more than three months after the time of seizure unless,

(a) upon an application under subsection 143 (2) of the *Provincial Offences Act*, a justice orders its further detention; or

R.S.O. 1980, c. 400

(b) proceedings are instituted in which the document or thing detained may be required.

Application of R.S.O. 1980, c. 400, s. 143 (1, 3, 4)

(3) Subsections 143 (1), (3) and (4) of the *Provincial Offences Act* apply with respect to the detained document or thing with such modifications as the circumstances require.

25.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by adding thereto the following subsection:

Compliance plan

(3a) An order made under subsection (1) may require a constructor or an employer to submit a compliance plan to the Ministry specifying what the constructor or employer intends to do to comply with the order and when the constructor or employer intends to achieve compliance and the compliance plan shall be prepared in the manner and include such items as are required by the order.

(2) Clause 29 (4) (a) of the said Act is amended by inserting after "used" in the third line "or any work activity shall not be performed".

(3) Clause 29 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) order that work at the work place as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection.

(4) The said section 29, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by

renumbering subsection (4a) as subsection (4b) and by adding thereto the following subsection:

Resumption of work pending inspection

(4a) Notwithstanding clause (4) (b), a constructor or an employer who gives notice to an inspector of compliance with an order made under subsection (4) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with.

26. **The said Act is further amended by adding thereto the following section:**

Notice of compliance

30a.—(1) Within three days after a constructor or employer who has received an order under section 29 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

(a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or

(b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 29 for a period of fourteen days following its submission to the Ministry in a place or places in the work place where it is most likely to come to the attention of workers.

Compliance achieved

(4) Notwithstanding the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 29 when an inspector determines that compliance has been achieved.

27. **Section 34 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 6 and 1988, chapter 58, section 5, is further amended by adding thereto the following subsection:**

(1a) No employer shall seek to gain access, except by an order of a court or other tribunal, to a health record concerning a worker without the worker's written consent. Employer access to health records

28. Subsection 36 (1) of the said Act is amended by inserting after "Ministry" in the third line "a person who acts as an advisor for the Ministry, the directors, executive director and employees of the Agency".

29. Section 37 of the said Act is amended by adding thereto the following subsection:

(1a) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is $500,000 and not as provided therein. Idem

30. Subsection 38 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

(d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,

. . . . .

31. Section 39 of the said Act is amended by adding thereto the following subsection:

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding. Provincial judge required

32. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7 and 1988, chapter 58, section 6, is further amended by adding thereto the following paragraphs:

8a. prescribing classes of work places for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;

8b. prescribing employers or work places or classes thereof for the purposes of clause 8 (1) (b);

8c. exempting any work place, industry, activity, business, work, trade occupation, profession, construc-

tor or employer or any class thereof from the application of subsection 8 (2);

8d. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;

8e. exempting any class of work places from the requirement set out in subsection 8 (5f);

8f. prescribing occupational health and safety medical clinics, safety and accident prevention associations and occupational health and safety training centres for the purposes of clauses 10 (7) (k), (l) and (m);

. . . . .

10a. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;

10b. governing medical surveillance programs;

. . . . .

21a. prescribing training programs that employers shall provide;

21b. increasing the number of certified members required on a committee;

21c. prescribing floor plans for the purposes of subsection 22a (7);

21d. exempting any class of work places from any provision set out in section 23a;

. . . . .

29. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 8 (8) shall inspect all or part of a work place;

30. establishing criteria for determining, for the purpose of section 25, whether a person is critically injured.

33.—(1) Section 91 of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(6a) The Board may take into account recommendations made by the Workplace Health and Safety Agency established under the *Occupational Health and Safety Act* in reaching its opinion under subsection (4) or (6). Recommendations R.S.O. 1980, c. 321

(2) Section 123 of the said Act is repealed and the following substituted therefor:

123.—(1) The employers in any class of farm-related activity may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention. Accident prevention associations

(2) If the Board is of opinion that an association so formed sufficiently represents the employers included in the class, the Board may approve rules of operation and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers included in the class. Rules of operation

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board considers just. Inspectors

(4) The Board may, in any case that it considers proper, make a grant towards the expenses of any such association. Expenses of associations

(5) Any moneys paid by the Board under this section shall be charged against the class represented by such association and levied as part of the assessment against such class. Where charged

(6) The word "class" in this section includes subclass or such part of a class or such number of classes or parts of classes as may be approved by the Board. Definition "catégorie"

34. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

35. The short title of this Act is the *Occupational Health and Safety Statute Law Amendment Act, 1989*. Short title

XB
-B56

Bill 209 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 209

An Act to revise the McMichael Canadian Collection Act

The Hon. L. Munro
Minister of Culture and Communications



1st Reading January 24th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The main provisions of the Bill are as follows:

1. To provide for an English name and a French name for the corporation.
2. To increase the number of members of the board.
3. To clarify the financial and administrative arrangements of the board.
4. To clarify the objects and the collection mandate of the corporation.

Bill 209 1989

An Act to revise the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"Board" means the board of trustees of the Corporation;

"collection" means the art works and objects and the documentary materials related thereto held by the Corporation for exhibition or display;

"Corporation" means the corporation continued by section 2;

"Minister" means the Minister of Culture and Communications.

2.—(1) The corporation known as Michael Canadian Collection is continued as a corporation without share capital. McMichael Canadian Collection continued

(2) The English version of the name of the Corporation is changed to McMichael Canadian Art Collection. English name

(3) The French version of the name of the Corporation is Collection McMichael d'art canadien. French name

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

(5) The *Corporations Act* does not apply to the Corporation. R.S.O. 1980, c. 95 does not apply

3.—(1) The Board shall consist of seventeen trustees as follows: Composition of Board

1. Eleven trustees appointed by the Lieutenant Governor in Council.

2. Four trustees appointed by the Board.

3. Robert McMichael, Founder Director Emeritus.

4. Signe McMichael.

Vacancy

(2) If Robert McMichael or Signe McMichael is unable or unwilling to be a trustee, the Board shall appoint another trustee to fill the position.

Term of office

(3) A trustee may be appointed for a term not exceeding three years and may be reappointed for one or more further terms.

Chairperson and vice-chairperson

(4) The Lieutenant Governor in Council shall designate one of the trustees as chairperson and one of the trustees as vice-chairperson of the Board.

Chairperson to preside

(5) The chairperson shall preside at all meetings of the Board and, in the absence of the chairperson or if the office of chairperson is vacant, the vice-chairperson shall have all the powers and shall perform the duties of the chairperson.

Quorum

(6) A majority of the trustees constitutes a quorum of the Board.

Powers of Board

4.—(1) The affairs of the Corporation shall be under the control of the Board and the Board has all the powers necessary to perform its duties and to achieve the objects of the Corporation.

By-laws

(2) The Board may make by-laws regulating its proceedings and may establish committees for the control and conduct of its internal affairs.

Committees

(3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.

R.S.O. 1980, c. 446 does not apply

(4) The *Regulations Act* does not apply to by-laws made under this section.

Appointment of Director

5.—(1) The Board, subject to the approval of the Minister, shall appoint a Director who shall be responsible for the management and administration of the Corporation, subject to the supervision and direction of the Board.

(2) The Board, subject to the approval of the Minister, may remove the Director. Removal of Director

(3) The Director shall appoint such employees as the Director considers necessary from time to time for the proper conduct of the business of the Corporation. Staff

(4) The Board shall fix and pay the salaries or other remuneration and benefits and provide for the retirement and superannuation of employees. Salaries

6. The Corporation is an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty and all property acquired by the Corporation is the property of Her Majesty. Corporation Crown agency

7.—(1) The objects of the Corporation are, Objects

(a) to acquire art works, objects and documentary material for the collection;

(b) to preserve and exhibit the collection;

(c) to conduct research on and provide documentation for the collection;

(d) to stimulate interest in the collection;

(e) to conduct activities in order to enhance and complement the collection;

(f) to hold, maintain and use the land described in the Schedule to the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, as a permanent site for a public gallery and related facilities for the collection.

(2) The Corporation may for the purpose of furthering its objects, Idem

(a) acquire, hold, maintain, use or dispose of property;

(b) with the approval of the Lieutenant Governor in Council, erect buildings and structures on lands that are not owned by the Corporation;

(c) establish and collect fees as it considers necessary;

(d) lend any part of the collection for public exhibition, subject to such conditions as the Corporation may impose;

(e) conduct exhibitions, programs and special events;

(f) enter into agreements;

(g) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of any artist who was a member of the Group of Seven or of the remains of the spouse of any such artist;

R.S.O. 1980, c. 59

(h) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of Robert McMichael and Signe McMichael.

Borrowing money

(3) Despite clause (2) (a), the Corporation shall not borrow money unless a guarantee is provided under section 12.

Disposal of work and land

(4) Despite clause (2) (a), no work of art or land donated by either Robert McMichael or Signe McMichael shall be disposed of by the Corporation.

Nature of collection

8. The Board shall ensure that the focus of the collection is the works of art created by Indian, Inuit and Metis artists, the artists of the Group of Seven and their contemporaries and other artists who have made or make a contribution to the development of Canadian Art.

Fund

9.—(1) The Board may establish and maintain such funds as it considers necessary and appropriate for the management of the Corporation.

Investment

(2) The Board may invest the moneys of the Corporation in those classes of securities as trustees are permitted to invest in under the laws of Ontario.

Remuneration, trustee

10. A trustee shall not receive remuneration for services rendered but shall be reimbursed for proper and reasonable travelling and other expenses incurred in the work of the Board.

Grants

11.—(1) The Minister may make grants to the Corporation upon such terms and conditions as the Minister considers advisable.

Moneys

(2) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature.

Guarantee of loans

12.—(1) The Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation or any part thereof together with interest thereon borrowed for the purpose of carrying out the objects of the Corporation.

Form of guarantee

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves.

Idem

(3) The guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of guarantee

(4) The Lieutenant Governor in Council may pay out of the Consolidated Revenue Fund the money necessary to satisfy any liability of the Province of Ontario under the guarantee.

Tax exemption

13. Real property owned, leased to or occupied by the Corporation is not liable to taxation for municipal or school purposes if it is actually used and occupied for the purposes of the Corporation.

Audit

14. The financial statements of the Corporation shall be audited annually by an auditor appointed by the Board and a report of the audit shall be made to the Board and to the Minister.

Annual report

15.—(1) The Board shall make an annual report on the affairs of the Corporation to the Minister.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall then lay the report before the Assembly.

Additional reports

(3) The Board shall prepare reports in addition to the annual report as the Minister may require from time to time.

Repeal

16. The *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, the *McMichael Canadian Collection Amendment Act, 1982*, being chapter 3 and section 32 of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed.

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *McMichael Canadian Art Collection Act, 1989*.

XB
-B56

Bill 210 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 210

An Act to prohibit the Charging of Fees for the Cashing of Government Cheques

Mr. Morin

LIBRARY

1st Reading January 26th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The proposed Bill prohibits any person from charging a fee for cashing a cheque issued by the Government of Canada, the Government of Ontario or a municipality. The Bill does not apply to the financial institutions referred to in section 3.

Bill 210 1989

An Act to prohibit the Charging of Fees for the Cashing of Government Cheques

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Prohibition

1. No person shall charge a fee for exchanging, negotiating or cashing a cheque or other order to pay issued by the Government of Canada, the Government of Ontario or a municipal corporation.

Penalty

2. Any person who contravenes section 1 is guilty of an offence and on conviction is liable,

(a) to a fine of not less than $100 or more than $2,000 for a first offence; and

(b) to a fine of not less than $250 or more than $2,000 for a second or subsequent offence.

Non-application

3. This Act does not apply to,

(a) a bank named in Schedule A or B to the *Bank Act* (Canada); R.S.C. 1985, c. B-1

(b) a loan corporation or trust corporation that is registered under the *Loan and Trust Corporations Act, 1987*; or 1987, c. 33

(c) a credit union or caisse populaire incorporated or registered under the *Credit Unions and Caisses Populaires Act*. R.S.O. 1980, c. 102

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Government Cheque Cashing Act, 1989*.

Publications

Bill 211 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 211

An Act to revise the Rental Housing Protection Act, 1986

The Hon. C. Hošek
Minister of Housing



1st Reading January 31st, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

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Prohibition

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Commencement

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Short title

5. The short title of this Act is the *Government Cheque Cashing Act, 1989*.

Publications

Bill 211 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 211

An Act to revise the Rental Housing Protection Act, 1986

The Hon. C. Hošek
Minister of Housing



1st Reading January 31st, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The new Act proposed by the Bill replaces the existing *Rental Housing Protection Act, 1986*, and will apply generally to rental property situate in those municipalities that are designated by the regulations made under the Act.

In addition, the Bill, effective as of the day of its introduction and First Reading in the Assembly, amends the *Rental Housing Protection Act, 1986*, as it now exists, by enlarging the definition of "rental unit" to include vacant premises that have been previously used as rented residential premises. At present, the definition refers only to living accommodation that "is used" as rented residential premises. The new Act proposed by the Bill will carry forward the application of the Act to such vacant premises.

The new Act continues to require the approval of the municipal council to any proposal to convert rental property to condominium or other use or to demolish, renovate or repair or to sever such property. Rental property containing four or fewer units is generally exempt from the Act; however, in all municipalities, whether designated or not, the approval of council is required to convert rental property of any size to a condominium.

Some of the features of the new Act proposed by the Bill that differ from the existing Act are the following:

1. The Act does not contain a provision repealing it on a named day.

2. As mentioned above, the new Act will apply to vacant premises that have been previously used as rented residential premises.

3. Under the present Act, municipal council approval is required to renovations or repairs to residential property if a tenant is in possession of a rental unit and vacant possession of the unit would be required or, in the case of a vacant unit, if the unit has been vacant for less than one year; under the new Act approval continues to be required if a tenant is in possession of a rental unit and vacant possession is required but in the case of a vacant unit, regardless of the period of vacancy, approval is required if the renovation or repair is so extensive that, were the unit occupied, vacant possession would be required.

4. Approval of the municipal council to conversion of rental property is not required where the new use is for the purpose of occupation by a landlord or the landlord's spouse or children, etc., (under section 105 of the *Landlord and Tenant Act*) or by a person having the right to possession of a unit in a co-operative, if the co-operative was not established in contravention of the new Act or its predecessor (approval is required however in the case of the landlord requiring possession if, within the preceding three years, possession has been obtained of any rental unit in the rental property under section 105 of the *Landlord and Tenant Act*).

5. The Act prohibits the giving of notice of termination under section 105 of the *Landlord and Tenant Act* (where landlord, etc., personally requires the premises) unless the premises are exempt (see Note 4) or unless the approval of the municipal council is obtained.

6. Provisions are included in the Act to clarify the position of persons involved in the sale or lease of a share or interest in an existing co-operative.

7. The new Act contains penalties where harassment of a tenant has been proven. Minimum fines are included in the Act as well as a provision that requires municipalities to refuse to approve applications for a three-year period following the date of a conviction of harassment relating to the property.

8. The new Act extends the period for laying charges for violations of the Act from six months (under the current Act) to two years from the date the offence was committed.

9. The new Act provides the authority for the courts to return converted units to rental use where approval from municipal council was not first obtained.

10. The new Act drops the Petition to Cabinet but continues to specify that municipal decisions may be appealed to the Ontario Municipal Board.

Bill 211 1989

An Act to revise the Rental Housing Protection Act, 1986

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"co-operative" means a rental property that is,

(a) owned or leased or otherwise held by or on behalf of more than one person where any such person has the right to present or future exclusive possession of a unit in the rental property, or

(b) owned or leased or otherwise held by a corporation having more than one shareholder or member, where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Rent Regulation Act, 1986*; 1986, c. 63

"co-operative interest holder" means a person who has an interest in a co-operative or is a shareholder or member of a corporation that has an interest in a co-operative;

"Minister" means the Minister of Housing;

"Ministry" means the Ministry of Housing;

"municipality" means a city, town, village, improvement district or township;

"prescribed" means prescribed by the regulations;

"regulations" means regulations made under this Act;

"related group of buildings" means buildings that are under the same ownership and on the same parcel of land as defined in section 45 of the *Planning Act, 1983*;

1983, c. 1

"rental property" means a building or related group of buildings containing one or more rental units, but does not include a condominium;

"rental unit" means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant;

"rented residential premises" includes a room in a boarding house or lodging house;

"spouse" means a spouse as defined in clause 1 (ca) of the *Landlord and Tenant Act*.

R.S.O. 1980, c. 232

APPLICATION OF ACT

Application of Act

2.—(1) This Act applies to rental property situate in municipalities designated by the regulations, despite any other Act and despite any agreement or waiver to the contrary.

Idem

(2) Despite subsection (1), this Act applies to rental property situate in any municipality in Ontario in respect of a proposed conversion of rental property to a co-operative or condominium.

Exemptions

3.—(1) This Act, or such part or parts thereof as are specified in the regulations, does not apply to rental units or rental properties or categories thereof that are exempted by the regulations for such general or special purposes as are specified therein.

Idem

(2) A rental property is exempt from this Act if the number of residential units in the property, including the number of rental units, is four or fewer.

Exception

(3) Subsection (2) does not apply in respect of a proposed conversion of rental property to a condominium.

Exemption

(4) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

(a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and

(b) the premises were converted to the use referred to in clause (a) without contravening this Act or a predecessor thereof.

PROHIBITIONS

Prohibition

4.—(1) No rental property, or part thereof, shall be,

(a) demolished;

(b) converted to any use for a purpose other than rental property, including, but not so as to restrict the generality of the foregoing, converted to use as a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel; or

(c) renovated or repaired if,

(i) a tenant is in possession of a rental unit and vacant possession of the rental unit would be required, or

(ii) the repair or renovation is to a vacant rental unit and is so extensive that, were the rental unit occupied, vacant possession of the unit would be required,

by any person unless the council of the municipality in which the property is situate approves of the demolition, conversion, renovation or repair.

Where s. 4 (1) (b) does not apply

(2) Clause 4 (1) (b) does not apply so as to require the approval of the council of the municipality if the conversion of rental property, or part thereof, is to use for the purposes of occupation by,

R.S.O. 1980, c. 232

(a) a person referred to in section 105 of the *Landlord and Tenant Act*, except that approval is required if a notice of termination had been previously given on the grounds set out in the said section 105 in respect of any rental unit in the rental property and the tenant thereof had vacated the premises pursuant to that notice, unless three years have passed since the date the notice was specified to be effective;

(b) a person who, by reason of being a co-operative interest holder has the right to present or future exclusive possession of a unit in the co-operative, if the co-operative did not result from a conversion from rental property or, where any such conversion

took place, the conversion was not in contravention of this Act or a predecessor thereof; or

(c) the spouse or a child or parent of the person mentioned in clause (b) or a child or parent of the spouse of that person.

Apartment hotel

(3) For the purposes of this section, a building or part of a building shall be deemed to be an apartment hotel if it contains transient living accommodation which has self-contained bathroom and kitchen facilities and in respect of which accommodation the prescribed criteria are met.

Approval required for severance

1983, c. 1

5.—(1) No consent shall be given under subsection 52 (1) of the *Planning Act, 1983* in respect of a rental property unless the council of the municipality in which the property is situate approves of the consent.

Conditional consent

(2) Nothing in subsection (1) prevents a consent being given that is conditional on the approval of the council of the municipality being obtained.

Restriction on issuing of licences, permits, etc.

6. If an approval is required under this Act, no permit, licence, consent, permission or approval under the following provisions shall be granted in respect of the rental property to which the approval under this Act relates until the certificate has been issued under subsection 13 (6):

1. A building permit or demolition permit under section 5 of the *Building Code Act*.

R.S.O. 1980, c. 51

R.S.O. 1980, c. 337

2. A consent under section 33 or 34 of the *Ontario Heritage Act*.

3. A permit under section 43 of the *Ontario Heritage Act*.

4. A zoning amendment under section 34 of the *Planning Act, 1983*.

5. A minor variance under section 44 of the *Planning Act, 1983*.

6. A demolition permit under section 33 of the *Planning Act, 1983*.

7. Except as otherwise prescribed, a business licence under any provision of the *Municipal Act*.

R.S.O. 1980, c. 302

R.S.O. 1980, c. 507

8. A licence under section 4 of the *Tourism Act*.

9. An approval under section 3 of the *Hotel Fire Safety Act*. R.S.O. 1980, c. 207

10. Such other provisions as are prescribed under which a permit, licence, consent, permission or approval is granted.

CO-OPERATIVES

Prohibition, co-operatives

7.—(1) No person shall sell, enter into an agreement to sell, lease or enter into an agreement to lease an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or enter into any other arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative except where the co-operative did not result from a conversion from rental property, or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof.

Exception

(2) Subsection (1) does not apply to a lease or an agreement to lease an interest in a co-operative, or in a corporation owning or leasing any interest in a co-operative, for a term of less than twenty-one years.

Exemption

(3) This section does not apply to the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative that is exempted by the regulations.

Consequences of contravention

(4) A conveyance, lease, agreement, arrangement or transaction entered into in contravention of subsection (1) is voidable at the instance of the person who acquired the interest in the co-operative or in the corporation owning or leasing any interest in the co-operative and any amount paid thereunder is recoverable by that person.

Interpretation

(5) For the purposes of subsections 4 (1) and (2) and this section, the conversion from rental property to the co-operative occurs when the first lease or sale of an interest in rental property or of a share in a corporation owning or leasing any interest in rental property takes place that carries with it the right to occupy a specific unit in the rental property or when a rental property is transferred or leased to a corporation of the type mentioned in clause (b) of the definition of "co-operative" in section 1, and, for the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into.

Idem

(6) For the purposes of subsection (5), "lease or sale" means any arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative.

CONDOMINIUMS

Power of council

8.—(1) The council of a municipality, when considering an application for conversion to a condominium under clause 4 (1) (b), shall also, in the place of the Minister of Municipal Affairs, exercise the powers conferred on the Minister of Municipal Affairs under section 50 of the *Condominium Act* respecting the approval or exemption of descriptions.

R.S.O. 1980, c. 84

Two separate matters

(2) The consideration by council of an application for condominium conversion under clause 4 (1) (b) is independent of the powers exercised by council under section 50 of the *Condominium Act*, but no final approval shall be given under section 50 unless approval has been obtained under this Act.

TERMINATION OF TENANCIES

Certificate required for valid notice

9.—(1) No notice of termination shall be given on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

R.S.O. 1980, c. 232

Notice void

(2) A notice of termination given in contravention of subsection (1) is void.

Restriction re: writ of possession

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 107 of that Act, even if the notice of termination was given or application made for a writ of possession before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) of this Act or a predecessor thereof, as the case may be, has been obtained where such approval is required.

Certificate or exemption required for valid notice

10.—(1) No notice of termination shall be given on the grounds set out in section 105 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Notice void

(2) A notice of termination given in contravention of subsection (1) is void.

Restriction re: writ of possession R.S.O. 1980, c. 232

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 105 of that Act, even if the notice of termination was given or application made before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required.

APPLICATIONS

Application for approval

11.—(1) An owner of rental property may apply in writing for an approval under this Act to the clerk of the municipality and the application shall contain such information as may be prescribed.

Notice to tenants

(2) Notice in the prescribed form of the application shall be given in the prescribed manner by the applicant to each tenant of a rental unit in the rental property within five days of the application being made.

Notice by municipality

(3) The council of the municipality shall give a copy of the application and a request for written comments, together with such additional material as may be prescribed, to such persons and in such manner as is prescribed.

Inspection and report

(4) The council of the municipality may require an applicant to cause an architect, professional engineer or other qualified person to make a physical inspection of the rental property and to make a report on matters determined by the municipality to be of concern or it may require that the inspection be made and report prepared by its chief building official.

Entry for inspection

(5) For the purposes of an inspection under subsection (4), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon giving at least twenty-four hours written notice to the tenant specifying the time of entry and a tenant shall permit the entry of such person during that time.

Copy of report made available

(6) A copy of the report referred to in subsection (4) shall be made available by the municipality for inspection by the public.

Power of council

(7) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed are met.

Information and public meeting

(8) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in such form and content and in such manner and to such persons as are prescribed.

Time for meeting, etc.

(9) The meeting mentioned in subsection (8) shall be held not sooner than fifteen days after the requirements for the giving of notice of the meeting have been complied with and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Notice of decision

(10) Written notice of the decision of council shall be sent within five days of the making thereof to the applicant, to every person who in writing requested to be given notice of the decision and to every other prescribed person.

Agreements

12.—(1) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies.

Enforcement

R.S.O. 1980, cc. 445, 230

(2) The municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any subsequent owner of the land.

APPEALS

Appeal to O.M.B.

13.—(1) Where the council refuses or neglects to make a decision on the application made in accordance with this Act within thirty days of the receipt of the application by the clerk of the municipality, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of decision to O.M.B.

(2) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons for the objection.

Record

(3) The clerk of the municipality, upon receipt of a notice of appeal under subsection (1) or (2), shall compile a record and forward the notice of appeal and the record to the secretary of the Ontario Municipal Board and shall provide such information or material as the Board may require in respect of the appeal.

Hearing

(4) The Ontario Municipal Board shall hold a hearing and has the same authority as does the council under subsection 11 (7) but, if all appeals have been withdrawn before the hearing, the decision of the council is final and the secretary of the Board shall notify the clerk of the municipality who shall notify the applicant.

No petition from O.M.B. R.S.O. 1980, c. 347

(5) Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of an order or decision of the Board made in respect of a matter appealed to the Board under this Act.

Certificate that approval given

(6) When an approval has been given under this Act by the municipality or the Ontario Municipal Board, the clerk of the municipality shall issue a certificate in the prescribed form to the applicant stating that the approval has been given.

When certificate of approval to be issued

(7) No certificate of approval shall be issued until the time for an appeal has passed or until the appeal has been disposed of, whichever is later and, until the certificate is issued, no person shall commence the activity mentioned in subsection 4 (1) or carry out the transaction to which the consent mentioned in subsection 5 (1) relates, as the case may be.

Conditions to be fulfilled

(8) Where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled.

Certificate conclusive

(9) The certificate issued under subsection (6) is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with.

Idem

(10) After the certificate has been issued, no action may be maintained to question the validity of the approval, but nothing in this subsection prevents an application for judicial review or an appeal to the Divisional Court as may be provided by law or any further appeal therefrom.

INSPECTIONS

Inspectors

14.—(1) The Minister or a municipality may designate as inspectors such employees of the Ministry or of the municipality respectively as are considered necessary by the Minister or the municipality for the purposes of ensuring that this Act and the regulations are complied with.

Inspection

(2) An inspector may, on giving twenty-four hours prior written notice to the owner of the rental property of the intention to do so, at reasonable times and on producing proper identification,

(a) enter and inspect any rental property except any room or place therein actually used as a dwelling; and

(b) upon giving a receipt therefor, remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

Obstruction

(3) No person shall hinder, obstruct or interfere with an inspector in the exercise of the right of entry and inspection and removal of documents or things conferred under subsection (2).

Warrant to enter and inspect rental property

(4) Where a justice of the peace is satisfied by evidence under oath,

(a) that the entry and inspection of a rental property is authorized under subsection (2) and is reasonably necessary in the enforcement of this Act; and

(b) that an inspector has been denied access to the rental property or that there are reasonable grounds to believe that access would be refused,

the justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter and inspect the rental property, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

When to be executed and expiry

(5) A warrant issued under subsection (4) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Entry into common areas

(6) On the invitation to do so by the occupier of a rental unit, an inspector may enter and inspect any common areas of the rental property in which the rental unit is located and to which the occupier has a right of access.

Entry into dwelling place

(7) Except under the authority of a warrant issued under subsection (8), an inspector shall not enter any room or place actually used as a dwelling for the purposes of inspecting that dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant.

Warrant to enter and search

(8) Where a justice of the peace is satisfied by evidence under oath,

(a) that there is reasonable and probable ground for believing that an offence under this Act has been committed; and

(b) that there is reasonable and probable ground for believing that the entry into and search of any building, receptacle or place will afford evidence as to the commission of the offence,

the justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter and search the building, receptacle or place, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the building, receptacle or place any document or thing that may afford evidence of the offence for the purpose of making copies or extracts and shall promptly return them to the building, receptacle or place from which they were removed.

When to be executed and expiry

(9) A warrant issued under subsection (8) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Admissibility of copies

(10) Copies of or extracts from documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

GENERAL

Fees

15.—(1) The council of a municipality may by by-law establish fees for the processing of an application made under this Act.

Idem

(2) The fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental property.

Grants to municipalities

16. The Minister may make grants to municipalities to assist them in training their employees in the administration of this Act.

Restraining, etc., order

17.—(1) Where, on an application made to the District Court or the Supreme Court by a tenant, former tenant, municipal corporation or the Minister, the court determines that an owner or tenant of rental property or person acting on behalf of the owner or tenant has converted, has attempted to convert or is in the process of converting the property or part thereof to a use other than rental property without the approval of council under subsection 4 (1), where such approval was required, the court may make one or more of the following orders:

1. An order restraining the owner or tenant or person acting on behalf of the owner or tenant from converting or continuing to convert the property.

2. An order requiring the owner or tenant or any subsequent owner or tenant to return the property to its use as rental property.

3. An order restoring the tenancy and putting the tenant of a rental unit back into possession.

Idem

(2) An order made under subsection (1) may require the owner or tenant or any subsequent owner or tenant or person acting on behalf of any one of them, as the case requires, to take such steps as the court considers necessary to give effect to the order.

Joint application

(3) A joint application may be brought by persons who are eligible to bring an application under subsection (1).

Remedies are additional

(4) The remedies provided by this section are in addition to any other remedies existing by law.

Regulations

18. The Lieutenant Governor in Council may make regulations,

(a) designating municipalities to which this Act applies;

(b) exempting rental units or rental properties, or categories thereof, from this Act or any part or

parts thereof for such general or specific purposes as are specified;

(c) prescribing, for the purposes of subsection 11 (7), the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1) or 5 (1);

(d) prescribing, for the purposes of subsection 4 (3), criteria to be met by transient living accommodation;

(e) exempting the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or any category of co-operatives from section 7;

(f) prescribing, for the purposes of paragraph 7 of section 6, provisions of the *Municipal Act* respecting a business licence to which that paragraph does not apply; R.S.O. 1980, c. 302

(g) prescribing, for the purposes of section 6, additional provisions respecting a permit, licence, consent, permission or approval;

(h) prescribing the information to be contained in an application under subsection 11 (1);

(i) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 11 (2);

(j) prescribing, for the purposes of subsection 11 (3), the persons to whom and the manner in which the copy of the application is to be given by the council and prescribing additional material to be given with the copy of the application;

(k) prescribing, for the purposes of subsection 11 (8), the form and content of the notice and the manner in which and the persons to whom the notice is to be given by the council;

(l) prescribing, for the purposes of subsection 11 (10), other persons to whom notice of the decision of council shall be given;

(m) prescribing the form of the certificate of approval under subsection 13 (6);

(n) prescribing anything that by this Act is to be or may be prescribed.

OFFENCES

Offence

19. Every person who contravenes subsection 4 (1), 7 (1), 9 (1), 10 (1) or 14 (3), and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than one year, or to both, but no person is guilty of an offence if the person did not know, and in the exercise of due diligence could not have known, of the contravention.

Harassment of tenant

20.—(1) No owner of rental property or person acting on the owner's behalf shall interfere with the reasonable enjoyment of a rental unit in the rental property by the tenant thereof with the intent of discouraging the participation of the tenant in the application process described in section 11 or the appeal process described in section 13 or with the intent of otherwise facilitating the obtaining of the approval of the council of a municipality on an application made under this Act.

Offence

(2) Every person who contravenes subsection (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year, or to both, but no director or officer is guilty of an offence if he or she did not know, and in the exercise of due diligence could not have known, of the contravention.

Address of rental unit

(3) An information commencing a proceeding under this section shall contain the complete municipal address of the rental unit to which the information relates.

Penalty

(4) In addition to levying a fine or imposing a term of imprisonment under subsection (2) and notwithstanding any other remedy existing by law, the court may order that the person convicted pay to the aggrieved tenant an amount not exceeding $2,000 as a penalty for the unlawful interference.

Civil remedies not precluded

(5) No disposition made under subsection (4) precludes the tenant from pursuing any civil remedy existing by law.

Certificate of conviction to clerk

(6) A certificate or other proof of a conviction under subsection (2) shall be forwarded by the court to the clerk of the municipality in which the rental unit is situate.

(7) The certificate or other proof of conviction forwarded to the clerk under subsection (6) shall contain the address of the rental unit as set out in the information. Copy to contain address

(8) Where notice of a conviction under subsection (2) is received by the clerk of the municipality, the clerk shall inform the council and no approval shall then be given under subsection 4 (1) or 5 (1) in respect of a rental unit in the same rental property unless, Restriction on approval

(a) three years have passed since the date of conviction; or

(b) an appeal is brought and the conviction is quashed.

21. Proceedings shall not be commenced, in respect of an offence under this Act, after two years from the date the offence was, or is alleged to have been, committed. Limitation of action

MISCELLANEOUS

22.—(1) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of the Ministry for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations or for any neglect or default in the performance or exercise in good faith of such duty or power. Immunity for acts done in good faith

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. Crown liability R.S.O. 1980, c. 393

23.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the 10th day of July, 1986, or, in respect of vacant rental property, have been obtained before the coming into force of section 24, the approval of council under subsection 4 (1) is not required. Transition R.S.O. 1980, c. 51 1983, c. 1

(2) If a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the 10th day of July, 1986, or, in respect of vacant rental property, has been given before the coming into force of section 24, the approval of council under subsection 5 (1) is not required. Idem

Condominium conversion

R.S.O. 1980, c. 84

(3) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium before the 10th day of July, 1986, or, in respect of vacant rental property, has been granted or issued before the coming into force of section 24, the approval of the council of a municipality under subsection 4 (1) is not required.

Proceedings continued under 1986, c. 26

R.S.O. 1980, c. 347

(4) Despite section 27, any proceeding that has been commenced under the *Rental Housing Protection Act, 1986* before the day this section comes into force shall be continued and finally disposed of under that Act, except that no petition may be filed with the Clerk of the Executive Council under subsection 7 (17) of that Act or under section 94 of the *Ontario Municipal Board Act*.

Right to petition continued

(5) Despite subsection (4) and section 27 of this Act, where a petition has been filed under subsection 7 (17) of the *Rental Housing Protection Act, 1986* before the coming into force of this section, subsections 7 (17) and (18) of the *Rental Housing Protection Act, 1986* continue in force for the purpose of finally disposing of the petition.

24.—(1) The definition of "rental unit" in section 1 of the *Rental Housing Protection Act, 1986*, being chapter 26, is repealed and the following substituted therefor:

"rental unit" means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant.

(2) The said section 1 is amended by adding thereto the following definition:

"rented residential premises" includes a room in a boarding house or lodging house.

(3) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

(a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and

(b) the premises were converted to the use referred to in clause (a) without contravening this Act.

25.—(1) The *Rental Housing Protection Act, 1986*, as amended by section 24 of this Act, applies to rental residential properties even though they are vacant on the day section 24 comes into force. Transition 1986, c. 26

(2) Despite subsection (1), if all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem R.S.O. 1980, c. 51 1983, c. 1

(3) Despite subsection (1), if a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem

(4) Despite subsection (1), the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required in respect of a vacant rental residential property if, before the coming into force of section 24, Idem, condominium conversion

(a) a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act*; or R.S.O. 1980, c. 84

(b) the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium.

26. Paragraph 14 of subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 26, section 12, is repealed and the following substituted therefor:

14. The provisions of section 7 of the *Rental Housing Protection Act, 1989*. 1989, c. ...

27. The *Rental Housing Protection Act, 1986*, being chapter 26, and the *Rental Housing Protection Amendment Act, 1988*, being chapter 22, are repealed. Repeals

28.—(1) This Act, except sections 24 and 25, comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

Idem

(2) Sections 24 and 25 shall be deemed to have come into force on the 31st day of January, 1989.

Short title

29. The short title of this Act is the *Rental Housing Protection Act, 1989*.

XB
-856

Bill 212 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 212

An Act to amend the Legislative Assembly Act

The Hon. S. Conway
Government House Leader and Minister of Mines



1st Reading February 1st, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to increase indemnities and allowances by 4.7 per cent.

Bill 212 1989

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 1, are repealed and the following substituted therefor:

Members' indemnities

(1) An indemnity at the rate of $41,113 per annum shall be paid to every member of the Assembly.

Members' allowances

(2) An allowance for expenses at the rate of $13,790 shall be paid to every member of the Assembly.

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 2, is repealed and the following substituted therefor:

Leaders' allowances

61. In addition to the indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses,

(a) to the Premier, at the rate of $7,758 per annum;

(b) to the Leader of the Opposition, at the rate of $5,173 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $2,586 per annum.

3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

(1) In addition to the indemnity as a member, there shall be paid,

(a) to the Speaker an indemnity at the rate of $22,214 per annum;

(b) to the Leader of the Opposition an indemnity at the rate of $30,094 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of $15,110.

4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 4, is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and chairmen of standing committees, indemnity

(1) In addition to the indemnity as a member, an indemnity shall be paid,

(a) to the Deputy Speaker and Chairman of the Committees of the Whole House at the rate of $9,297 per annum;

(b) to the Deputy Chairman of the Committees of the Whole House at the rate of $6,458 per annum; and

(c) to the chairman of each standing committee at the rate of $5,036 per annum.

5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 5, is repealed and the following substituted therefor:

Whips, indemnities

(1) In addition to the indemnity as a member, an indemnity shall be paid,

(a) to the Chief Government Whip, at the rate of $11,495 per annum;

(b) to the Deputy Government Whip, at the rate of $7,878 per annum;

(c) to each of not more than three Government Whips, at the rate of $5,682 per annum;

(d) to the Chief Opposition Whip, at the rate of $7,878 per annum;

(e) to each of not more than two Opposition Whips, at the rate of $5,682 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of $6,458 per annum, and

(ii) to the Party Whip of the party, at the rate of $5,166 per annum.

6. **Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1988, chapter 14, section 6, is further amended by striking out "$71" as set out in the amendment of 1988 and inserting in lieu thereof "$74" and by striking out "$82" as set out in that amendment and inserting in lieu thereof "$86".**

7. **Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 7, is repealed and the following substituted therefor:**

69. In addition to the indemnity as a member, an indemnity shall be paid, House Leaders' indemnities

(a) to the Opposition House Leader, at the rate of $11,495 per annum;

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $8,652 per annum.

8. **This Act shall be deemed to have come into force on the 1st day of April, 1988.** Commencement

9. **The short title of this Act is the *Legislative Assembly Amendment Act, 1989*.** Short title

CA2ON
XB
-B56

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 212

(Chapter 19
Statutes of Ontario, 1989)

An Act to amend the Legislative Assembly Act

The Hon. S. Conway
Government House Leader and Minister of Mines

LIBRARY

1st Reading	February 1st, 1989
2nd Reading	March 2nd, 1989
3rd Reading	March 2nd, 1989
Royal Assent	March 2nd, 1989

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Bill 212 1989

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 1, are repealed and the following substituted therefor:

(1) An indemnity at the rate of $41,113 per annum shall be paid to every member of the Assembly. Members' indemnities

(2) An allowance for expenses at the rate of $13,790 shall be paid to every member of the Assembly. Members' allowances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 2, is repealed and the following substituted therefor:

61. In addition to the indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses, Leaders' allowances

(a) to the Premier, at the rate of $7,758 per annum;

(b) to the Leader of the Opposition, at the rate of $5,173 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $2,586 per annum.

3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

(1) In addition to the indemnity as a member, there shall be paid,

(a) to the Speaker an indemnity at the rate of $22,214 per annum;

(b) to the Leader of the Opposition an indemnity at the rate of $30,094 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of $15,110.

4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 4, is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and chairmen of standing committees, indemnity

(1) In addition to the indemnity as a member, an indemnity shall be paid,

(a) to the Deputy Speaker and Chairman of the Committees of the Whole House at the rate of $9,297 per annum;

(b) to the Deputy Chairman of the Committees of the Whole House at the rate of $6,458 per annum; and

(c) to the chairman of each standing committee at the rate of $5,036 per annum.

5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 5, is repealed and the following substituted therefor:

Whips, indemnities

(1) In addition to the indemnity as a member, an indemnity shall be paid,

(a) to the Chief Government Whip, at the rate of $11,495 per annum;

(b) to the Deputy Government Whip, at the rate of $7,878 per annum;

(c) to each of not more than three Government Whips, at the rate of $5,682 per annum;

(d) to the Chief Opposition Whip, at the rate of $7,878 per annum;

(e) to each of not more than two Opposition Whips, at the rate of $5,682 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of $6,458 per annum, and

(ii) to the Party Whip of the party, at the rate of $5,166 per annum.

6. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1988, chapter 14, section 6, is further amended by striking out "$71" as set out in the amendment of 1988 and inserting in lieu thereof "$74" and by striking out "$82" as set out in that amendment and inserting in lieu thereof "$86".

7. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 7, is repealed and the following substituted therefor:

House Leaders' indemnities

69. In addition to the indemnity as a member, an indemnity shall be paid,

(a) to the Opposition House Leader, at the rate of $11,495 per annum;

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $8,652 per annum.

Commencement

8. This Act shall be deemed to have come into force on the 1st day of April, 1988.

Short title

9. The short title of this Act is the *Legislative Assembly Amendment Act, 1989*.

1st SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 213

An Act to amend the Executive Council Act

The Hon. S. Conway
Government House Leader and Minister of Mines

LIBRARY

1st Reading February 1st, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to increase salaries by 4.7 per cent.

Bill 213 1989

An Act to amend the Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 (1), (2), (3) and (4) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1988, chapter 15, section 1, are repealed and the following substituted therefor:

(1) The annual salary of every minister with portfolio is $30,094. Salaries

(2) The Premier and President of the Council shall receive, in addition, $12,788 per annum. Additional salary for Premier

(3) The annual salary of every minister without portfolio is $15,111. Salary of minister without portfolio

(4) The annual salary of every Parliamentary Assistant is $9,297. Salary of Parliamentary Assistant

2. This Act shall be deemed to have come into force on the 1st day of April, 1988. Commencement

3. The short title of this Act is the *Executive Council Amendment Act, 1989*. Short title

CA2ON
XB
-B56

Bill 213

1ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Bill 213

(Chapter 20
Statutes of Ontario, 1989)

An Act to amend the Executive Council Act

The Hon. S. Conway
Government House Leader and Minister of Mines

LIBRARY

1st Reading	February 1st, 1989
2nd Reading	March 2nd, 1989
3rd Reading	March 2nd, 1989
Royal Assent	March 2nd, 1989

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Bill 213 1989

An Act to amend the Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 (1), (2), (3) and (4) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1988, chapter 15, section 1, are repealed and the following substituted therefor:

(1) The annual salary of every minister with portfolio is $30,094. Salaries

(2) The Premier and President of the Council shall receive, in addition, $12,788 per annum. Additional salary for Premier

(3) The annual salary of every minister without portfolio is $15,111. Salary of minister without portfolio

(4) The annual salary of every Parliamentary Assistant is $9,297. Salary of Parliamentary Assistant

2. This Act shall be deemed to have come into force on the 1st day of April, 1988. Commencement

3. The short title of this Act is the *Executive Council Amendment Act, 1989*. Short title

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 214

An Act to amend the Landlord and Tenant Act

Mr. Philip
(Etobicoke-Rexdale)

LIBRARY FEB 1 1989 University of Toronto

1st Reading February 6th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to make void any provision in a tenancy agreement prohibiting a tenant from keeping a pet in a rented residential premises. An exception is provided in the case of rental of a condominium unit if the declaration for that condominium prohibits owners from keeping pets.

Bill 214 1989

An Act to amend the Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

97a.—(1) Any provision in a tenancy agreement prohibiting a tenant from keeping a pet in residential premises is void. Provisions restricting pets void

(2) Subsection (1) does not apply to a tenancy agreement in respect of a unit of a corporation to which the *Condominium Act* applies if the declaration for that corporation prohibits the keeping of pets in units of the corporation. Exception

R.S.O. 1980, c. 84

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Landlord and Tenant Amendment Act, 1989*. Short title

Bill 215 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989



Bill 215

An Act to amend certain Acts concerning the Sale of Tobacco to Minors

Mr. Sterling

1st Reading February 7th, 1989

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTES

The purpose of the Bill is to provide for the better enforcement of the provision in the *Minors' Protection Act* prohibiting the sale of tobacco to minors.

The Bill amends the *Minors' Protection Act* to increase the fine for selling tobacco to minors. The minimum fine is increased from $2 to $200 and the maximum fine is increased from $50 to $5,000. Judges are required to take into account the amount of profit the vendor made from the sale of tobacco in the year preceding the conviction in setting the fine.

The Bill amends the *Retail Sales Tax Act* to require vendors to have an authorization attached to their vendors' permits in order to sell tobacco to consumers. The authorization can be suspended or revoked if a vendor sells tobacco to a minor.

Bill 215 1989

An Act to amend certain Acts concerning the Sale of Tobacco to Minors

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *Minors' Protection Act*, being chapter 293 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(1) Every person who contravenes section 1 is guilty of an offence and on conviction is liable to a fine of not less than $200 and not more than $5,000. Offence

(1a) In determining the amount of the fine under subsection (1), the judge shall take into account the amount of profit the person made from the sale of tobacco in the year preceding the conviction. Idem

2.—(1) Section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, 1983, chapter 27, section 1 and 1986, chapter 66, section 1, is further amended by adding thereto the following paragraph:

23a. "tobacco" means tobacco in any form in which it is used or consumed, and includes snuff.

(2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 66, section 3, is further amended by adding thereto the following subsections:

(1b) No vendor shall sell tobacco to a consumer unless the permit applied for and issued under subsection (1) authorizes the vendor to sell tobacco and that authorization is in force at the time of that sale. Authority to sell tobacco

Idem

(1c) A permit issued before the 1st day of July, 1989 is deemed to authorize the vendor to sell tobacco unless it specifically provides otherwise.

Idem

(1d) A permit issued after the 30th day of June, 1989 does not authorize the vendor to sell tobacco unless it specifically provides for that authorization.

(3) Subsection 3 (2) of the said Act is amended by striking out "or" at the end of clause (a) and by adding thereto the following clause:

(aa) suspend or cancel a vendor's authorization to sell tobacco if the vendor or any of the vendor's employees contravenes the *Minors' Protection Act* or any provision of this Act concerning the sale of tobacco; or

R.S.O. 1980, c. 293

. . . . .

(4) The said section 3 is further amended by adding thereto the following subsection:

Production of authorization

(5a) Every vendor shall keep at each location in Ontario where the vendor sells tobacco to consumers proof that the vendor has an authorization under subsection (1b) and shall, upon the request of any purchaser, produce that proof for the purchaser's inspection.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Tobacco Sale to Minors Statute Law Amendment Act, 1989*.

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

LIBRARY

Bill 216

An Act to amend the Crown Employees Collective Bargaining Act

Mr. Cooke
(Windsor-Riverside)

1st Reading February 7th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

Subsection 18 (1) of the Act provides that every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage and that the employer has the right to determine specified matters as part of that function. The purpose of the Bill is to remove superannuation from that list of specified matters.

Bill 216 1989

An Act to amend the Crown Employees Collective Bargaining Act

1. Clause 18 (1) (b) of the *Crown Employees Collective Bargaining Act*, being chapter 108 of the Revised Statutes of Ontario, 1980, is amended by striking out "appraisal and superannuation" in the first and second lines and inserting in lieu thereof "and appraisal".

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Crown Employees Collective Bargaining Amendment Act, 1989*. Short title

Bill 217 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 217

An Act to amend the Landlord and Tenant Act

Mrs. Bryden

1st Reading February 8th, 1989

2nd Reading

3rd Reading

Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to make void any provision in a tenancy agreement prohibiting a tenant from keeping a pet in a rented residential premises. An exception is provided in the case of rental of a condominium unit if the declaration for that condominium prohibits owners from keeping pets.

Bill 217 **1989**

An Act to amend the Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Provisions restricting pets void

97a.—(1) Any provision in a tenancy agreement prohibiting a tenant from keeping a pet in residential premises is void.

Exception

R.S.O. 1980, c. 84

(2) Subsection (1) does not apply to a tenancy agreement in respect of a unit of a corporation to which the *Condominium Act* applies if the declaration for that corporation prohibits the keeping of pets in units of the corporation.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Landlord and Tenant Amendment Act, 1989*.

Bill 218 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 218

An Act to amend the Environmental Protection Act

The Hon. J. Bradley
Minister of the Environment

LIBRARY

1st Reading February 16th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The making, use, transfer, display, transportation, storage and disposal of specified things containing an ozone depleting substance and of specified things made using an ozone depleting substance are prohibited (section 1).

The Lieutenant Governor in Council is authorized to make regulations respecting the use, transfer, display, transportation, storage, recycling and disposal of things containing or made using an ozone depleting substance. In addition, the Lieutenant Governor in Council may make regulations providing for exemptions from the requirements of the Bill and regulations thereunder (section 2).

Bill 218 1989

An Act to amend the Environmental Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

PART V-A

OZONE DEPLETING SUBSTANCES

47i. In this Part, Definitions

"designated" means designated by the regulations;

"ozone depleting substance" means a chlorofluorocarbon, a halon or any other substance that has the potential to destroy ozone in the stratosphere.

47j. Sections 47k and 47-l apply only in respect of the following ozone depleting substances: Application

1. CFC-11, also known as fluorotrichloromethane.
2. CFC-12, also known as dichlorodifluoromethane.
3. CFC-113, also known as 1,1,2-trichloro-1,2,2-trifluoroethane.
4. CFC-114, also known as 1,2-dichloro-1,1,2,2-tetrafluoroethane.
5. CFC-115, also known as 1-chloro-1,1,2,2,2-pentafluoroethane.
6. Halon-1211, also known as bromochlorodifluoromethane.

7. Halon-1301, also known as bromotrifluoromethane.

8. Halon-2402, also known as dibromotetrafluoroethane.

9. Such other ozone depleting substances as may be designated.

Prohibition

47k. No person shall, after the 1st day of July, 1989, make, use, transfer, display, transport, store or dispose of,

(a) any thing, other than a prescription drug, containing an ozone depleting substance that acts as a propellant; or

(b) any designated thing or any thing of a designated class if that thing contains an ozone depleting substance.

Prohibition

47-l. No person shall, after the 1st day of July, 1989, make, use, transfer, display, transport, store or dispose of,

(a) any packaging, wrapping or container that is made in a manner that uses an ozone depleting substance; or

(b) any designated thing or any thing of a designated class if that thing is made in a manner that uses an ozone depleting substance.

2. Section 136 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 23, 1986, chapter 68, section 11 and 1988, chapter 54, section 45, is further amended by adding thereto the following subsection:

Regulations relating to Part V-A

(4a) The Lieutenant Governor in Council may make regulations relating to Part V-A,

(a) designating any matter referred to in the Part as designated;

(b) classifying ozone depleting substances, things containing an ozone depleting substance and things made in a manner that uses an ozone depleting substance, providing for exemptions in respect of any such class from any requirement of the Part or of the regulations made under this subsection, and prescribing conditions for any such exemption;

(c) respecting the making, use, transfer, display, transportation, storage, recycling or disposal of things containing an ozone depleting substance and of things made in a manner that uses an ozone depleting substance.

Commencement

3. **This Act comes into force on the day it receives Royal Assent.**

Short title

4. **The short title of this Act is the *Environmental Protection Amendment Act, 1989*.**

CA2ON XB -B56

Publications

Bill 219 **Government Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 219

An Act to amend the Highway Traffic Act

The Hon. E. Fulton
Minister of Transportation

1st Reading February 27th, 1989
2nd Reading
3rd Reading
Royal Assent



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EXPLANATORY NOTES

SECTION 1. A definition is added in subsection 1 (1) of the Bill and the definition of "median" is expanded in subsection 1 (2). The definition of "vehicle" is enlarged to include a bicycle.

SECTION 2. Subsection 5 (2) of the Act authorizes charging interest and imposing a penalty where a cheque tendered for payment of a fee is dishonoured. The amendment expands this to include one tendered for payment of tax.

SECTION 3. The new Part II-A provides for the issuance and use of disabled person parking permits. The new permit system replaces the existing number plate and municipal permit system.

SECTION 4. Subsection 18 (2a) of the Act provides for the payment of fees to licence agents. The amendment expands the services for which payment can be contracted.

SECTION 5. Subsection 18 (5) of the Act permits licences to be issued subject to such conditions as are authorized by the regulations and justified by the results of an examination. Subsection 18 (2) of the Act permits the Minister to issue licences subject to conditions or endorsements. The amendment brings subsection 18 (5) in line with subsection 18 (2).

SECTION 6. Subsection 21 (1) of the Act is rewritten to recognize the new Photo Card portion of a licence. Subsections 21 (1a) and (1b) are new. Section 21 of the Act prohibits, among other things, possessing more than one driver's licence issued under the Act.

SECTION 7.—Subsections 1 and 2. Subsection 26 (1) of the Act was re-enacted in 1985. As a result, it was necessary to update some internal references in subsections 26 (2) and (2a).

SECTION 8. The definition of "fire department vehicle" is being expanded.

SECTION 9.—Subsection 1. Self-explanatory.

Subsection 2. This is an internal reference to the new subsection (2a).

Subsection 3. Subsection 46 (4) of the Act permits the making of regulations. The new clause (c) permits exceptions from the new subsection (2a).

SECTION 10. Subsection 57 (5) of the Act is rewritten to reflect that bicycle is now defined to include a tricycle.

SECTION 11. Clause 84 (1) (b) of the Act permits the Lieutenant Governor in Council to make regulations prescribing inspection procedures, requirements and equipment as well as performance standards for inspections for a safety standards certificate.

SECTION 12. Self-explanatory.

SECTION 13. Certain "over width" vehicles are permitted on the highways. The reference to road service vehicles (being a type of vehicle permitted) is simplified.

SECTION 14. Fire department vehicles are exempt from speed limits in certain circumstances. The amendment incorporates the expanded definition of "fire department vehicle" as accomplished by section 7 of the Bill.

SECTION 15. Section 113 of the Act prohibits driving on the highway so slowly as to impede other traffic. The new subsection provides an exception to this.

SECTION 16. The definition section of Part IX of the Act is being amended to include a definition of "road service vehicle". Part IX sets out the rules of the road.

SECTION 17. A lengthy description is being replaced by a defined term for brevity.

SECTION 18. Self-explanatory.

SECTION 19. Section 121 of the Act sets out rules for right and left hand turns. An exception is being provided for road service vehicles.

SECTION 20. The new subsection provides an alternative method of signalling a right turn.

SECTION 21. Subsection 124 (9) of the Act provides that every driver shall obey traffic control signals. The new subsection (9a) provides an exception for drivers of road service vehicles.

SECTION 22. Self-explanatory.

SECTION 23. The section regulating slow moving vehicles is rewritten to provide an exception for road service vehicles.

SECTION 24. Subsections 127 (1), (2), (3), (4) and (5) of the Act are rewritten to bring in the reference to road service vehicles and to delete the reference to tricycles. Subsections (1) and (3) are split up to make them easier to read.

SECTION 25. The section is rewritten to simplify it and to bring in an exception for road service vehicles.

SECTION 26. Subsection 129 (3) of the Act provides exceptions to the prohibition against passing by driving off the roadway. A further class of vehicle is being exempted.

SECTION 27. Section 133 of the Act sets out further rules of the road. Clause 133 (c) is rewritten to simplify it and an exception for road service vehicles is created.

SECTIONS 28 and 29. Further exceptions to rules of the road are provided in respect of road service vehicles.

SECTION 30. Section 144 of the Act is rewritten to reflect that bicycle is now defined to include a tricycle.

SECTION 31. Road service vehicles are exempted from certain regulatory provisions in respect of parking or stopping on a roadway.

SECTION 32. The new section controls the offering of tow truck services at accident scenes.

SECTION 33. Section 151 of the Act is rewritten to provide adults who have developmental handicaps using school buses with the protection given to children making use of school buses.

SECTION 34. Section 155 of the Act provides that pedestrians walking on a highway must walk facing oncoming traffic.

SECTION 35. Section 158 of the Act provides for the making of regulations in respect of highway signs.

SECTION 36. Section 169 of the Act provides that municipal by-laws regulating traffic that are inconsistent with the Act are deemed repealed. The amendments have the effect of repealing by-laws that are inconsistent with the regulations and specifying when the repeal comes into effect.

SECTION 37. Subsections 181 (3) and (4) of the Act deem that a vehicle permit holder is the owner of the vehicle for purposes of the Act and that the plates on a vehicle are

those of the owner of the vehicle. This is extended to apply in respect of municipal traffic by-laws.

SECTION 38. Section 184 of the Act is amended to require notification to the Registrar of Motor Vehicles of convictions for improper use of a permit under a municipal by-law regulating parking for disabled persons.

SECTIONS 39 and 40. Sections 185 and 186 of the Act provide that a suspended licence must be forwarded to the Registrar. The amendments allow the holder to retain the Photo Card portion.

SECTION 41. The new section requires cyclists to stop and identify themselves to a police officer who reasonably believes they are doing anything in contravention of the Act.

SECTION 42. The new section 192a allows the police officer to take custody of apparently abandoned vehicles.

SECTION 43. The *Municipal Act* is amended to reflect the new provisions of the *Highway Traffic Act* governing disabled person parking permits.

Bill 219 1989

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 48, section 1 and 1983, chapter 63, section 1, is further amended by renumbering paragraph 1 as paragraph 1a and by adding thereto the following paragraph:

1. "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle.

(2) Paragraph 17 of the said subsection 1 (1) is repealed and the following substituted therefor:

17. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

(3) Paragraph 39 of the said subsection 1 (1), as amended by the Statutes of Ontario, 1983, chapter 63, section 1, is further amended by inserting after "machine" in the second line "bicycle".

2. Subsection 5 (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 1, is amended by inserting after "fee" in the first line "or tax".

3. The said Act is amended by renumbering section 17a as 17f and by adding thereto the following Part:

PART II-A

PARKING PERMITS

Issuance of disabled person parking permits

17a.—(1) The Minister shall issue a disabled person parking permit to every person or organization that applies therefor and meets the requirements of the regulations.

Term

(2) A disabled person parking permit is in force during the period of time shown on the permit.

Cancellation of permit

(3) The Minister may cancel a disabled person parking permit or may refuse to issue a replacement permit if the permit has been used in contravention of this Part or the regulations or of a municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act*.

R.S.O. 1980, c. 302

Refusal to issue new permit

(4) If the Minister cancels a disabled person parking permit, the Minister may refuse to issue a new permit to the holder of the cancelled permit.

Offence

17b. No person shall,

(a) have in his or her possession a disabled person parking permit that is fictitious, altered or fraudulently obtained;

(b) display a disabled person parking permit otherwise than in accordance with the regulations;

(c) fail or refuse to surrender a disabled person parking permit in accordance with this Part or the regulations; or

(d) use a disabled person parking permit on land owned and occupied by the Crown otherwise than in accordance with the regulations.

Reasonable inspection

17c.—(1) Every person having possession of a disabled person parking permit shall, upon the demand of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, surrender the permit for reasonable inspection to ensure that the provisions of this Part and the regulations and any municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act* are being complied with.

R.S.O. 1980, c. 302

Officer may take possession of the permit

(2) An officer or cadet to whom a disabled person parking permit has been surrendered may retain it until disposition of

the case if the officer or cadet has reasonable ground to believe that the permit,

(a) was not issued under this Part;

(b) was obtained under false pretences;

(c) has been defaced or altered;

(d) has expired or been cancelled; or

(e) is being or has been used in contravention of the regulations or of a by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act*. R.S.O. 1980, c. 302

Number plates and permits issued before this Part comes into force

17d. The following items, if valid immediately before this Part comes into force, shall be deemed to be a disabled person parking permit until the earlier of their expiry date, if not for this Part, and the day that is six months after this Part comes into force:

1. A number plate bearing the symbol for the disabled issued under this Act and displayed in accordance with the regulations as they exist immediately before this Part comes into force.

2. A permit issued by a municipality under paragraph 119 of section 210 of the *Municipal Act* as it exists immediately before this Part comes into force.

Regulations

17e. The Lieutenant Governor in Council may make regulations,

(a) prescribing any form for the purposes of this Part and requiring its use;

(b) respecting the issuance, renewal, cancellation, replacement and disposal of disabled person parking permits;

(c) prescribing the requirements for obtaining a disabled person parking permit;

(d) prescribing the period of time or the method of determining the period of time during which disabled person parking permits shall be in force;

(e) governing the manner of displaying disabled person parking permits on or in vehicles;

(f) requiring the erection of signs and the placing of markings to identify designated parking spaces for the use of vehicles displaying a disabled person parking permit, and prescribing the types, content and location of such signs and markings;

(g) prescribing the conditions of use of a disabled person parking permit on land owned and occupied by the Crown;

(h) requiring and governing the surrender of disabled person parking permits;

(i) providing for and governing the recognition of permits, number plates and other markers and devices issued by other jurisdictions as being equivalent to disabled person parking permits issued under this Part.

4. Subsection 18 (2a) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 2, is amended by inserting after "licences" in the second line "or provides any other service in relation to licences".

5.—(1) Subclause 18 (5) (a) (i) of the said Act is amended by inserting after "conditions" in the second line "or endorsements".

(2) Subclause 18 (5) (b) (i) of the said Act is amended by inserting after "conditions" in the first line "or endorsements".

6. Subsection 21 (1) of the said Act is repealed and the following substituted therefor:

Displaying licence that has been suspended, altered, etc.

(1) No person shall,

(a) display or cause or permit to be displayed or have in his or her possession a fictitious, altered or fraudulently obtained driver's licence;

(b) display or cause or permit to be displayed or have in his or her possession a cancelled, revoked or suspended driver's licence other than a Photo Card portion thereof;

(c) lend his or her driver's licence or any portion thereof or permit the use of it by another person;

(d) display or represent as his or her own a driver's licence not issued to him or her;

(e) apply for, secure or retain in his or her possession more than one driver's licence; or

(f) fail to surrender to the Ministry upon its demand a driver's licence that has been suspended, revoked or cancelled.

Idem

(1a) In subsection (1), "licence" includes any portion thereof.

Seizing licence

(1b) Any police officer who has reason to believe that any person has in his or her possession a driver's licence or portion thereof referred to in subsection (1) may take possession of the licence or portion thereof and, where the officer does so, shall forward it to the Registrar upon disposition of the case.

7.—(1) Subsection 26 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 61, section 1, is amended by striking out "clauses (1) (b) and (c)" in the third line and inserting in lieu thereof "clauses (1) (f) and (g)".

(2) Subsection 26 (2a) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 61, section 1, is amended by striking out "Clauses (1) (b) and (c)" in the first line and inserting in lieu thereof "Clauses (1) (f) and (g)".

8. Clause 43 (b) of the said Act is amended by adding at the end thereof "and a vehicle designated in writing by the Fire Marshal of Ontario as a "fire department vehicle" ".

9.—(1) Section 46 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 9, is further amended by adding thereto the following subsections:

Brakes on bicycle

(2a) No person shall ride a bicycle on a highway unless it is equipped with at least one brake system acting on the rear wheel that will enable the rider to make the braked wheel skid on dry, level and clean pavement.

Meaning of bicycle

(2b) In subsection (2a), "bicycle" has its ordinary meaning and does not include a unicycle or tricycle.

(2) Clause 46 (4) (a) of the said Act is amended by inserting after "(2)" in the third line "(2a)".

(3) Subsection 46 (4) of the said Act is amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding thereto the following clause:

(c) exempting any person or class of persons or any class of bicycles from subsection (2a) and prescribing conditions for any such exemption.

10. Subsection 57 (5) of the said Act is amended by striking out "bicycle and tricycle" in the first and second lines and inserting in lieu thereof "and bicycle".

11. Section 84 of the said Act is amended by adding thereto the following subsection:

Adoption by reference

(2) Any regulation made under clause (1) (b) may adopt by reference any code, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary and may require compliance with any code that is adopted.

12. Section 90 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 3, is further amended by adding thereto the following subsection:

Idem

(6a) No person shall drive a motor vehicle on a highway in which there is a child passenger weighing less than twenty-three kilograms who does not occupy, if available, a seating position for which a seat belt assembly is provided.

13. Clause 92 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) road service vehicles as defined in Part IX and includes such vehicles while they are travelling to and from a maintenance site or repair centre.

14. Clause 109 (12) (a) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 8, is further amended by striking out "a motor vehicle of a municipal fire department" in the first line and inserting in lieu thereof "a fire department vehicle as defined in section 43".

15. Section 113 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Subsection (1) does not apply to a road service vehicle as defined in Part IX.

16. Section 113a of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 9, is amended by adding thereto the following clause:

(aa) "road service vehicle" means a vehicle operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway while the vehicle is being used for highway maintenance purposes.

17. Subsection 114 (4) of the said Act is amended by striking out "vehicle or road-building machine while it is being used for maintenance of the highway" in the first, second and third lines and inserting in lieu thereof "road service vehicle".

18. Section 120 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 14, is further amended by adding thereto the following subsection:

(6) No person shall ride a bicycle across a roadway within a pedestrian crosswalk. Riding in pedestrian crosswalks prohibited

19. Section 121 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 15, is further amended by adding thereto the following subsections:

(3a) A driver of a road service vehicle entering an intersection within a lane other than one described in subsection (2) or (3) may make a right turn from the approach lane if the turn can be safely made. Exception

. . . . .

(6a) A driver of a road service vehicle entering an intersection within a left-turn lane may leave the intersection without turning to the left if the movement can be safely made. Exception

20. Section 122 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 27 and 1984, chapter 61, section 5, is further amended by adding thereto the following subsection:

(4a) Notwithstanding clause (4) (b), a person on a bicycle may indicate the intention to turn to the right by extending the right hand and arm horizontally and beyond the right side of the bicycle. Idem

21. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

Exception

(9a) Notwithstanding subsection (9), a driver of a road service vehicle in a left-turn lane may proceed through the intersection without turning to the left if the movement can be safely made, there is showing a circular green or green arrow indication for the through traffic movement, and the driver,

(a) where the applicable left-turn traffic control signal is showing a circular red indication, first brings the vehicle to a stop; and

(b) where the operation of any other vehicle may be affected, indicates his or her intention to proceed through the intersection without turning to the left by giving a plainly visible signal to the driver or operator of the other vehicle.

22. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

Riding in crosswalks prohibited

(26a) No person shall ride a bicycle across a roadway within or along a crosswalk at an intersection or at a location other than an intersection which location is controlled by a traffic control signal system.

23. Section 126 of the said Act is repealed and the following substituted therefor:

Slow vehicles to travel on right side

126.—(1) Any vehicle travelling upon a roadway at less than the normal speed of traffic at that time and place shall, where practicable, be driven in the right-hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway.

Exception

(2) Subsection (1) does not apply to a driver of a,

(a) vehicle while overtaking and passing another vehicle proceeding in the same direction;

(b) vehicle while preparing for a left turn at an intersection or into a private road or driveway; or

(c) road service vehicle.

24. Subsections 127 (1), (2), (3), (4) and (5) of the said Act are repealed and the following substituted therefor:

Passing meeting vehicles

(1) Every person in charge of a vehicle on a highway meeting another vehicle shall turn out to the right from the centre

of the roadway, allowing the other vehicle one-half of the roadway free.

Vehicles or equestrians overtaken

(2) Every person in charge of a vehicle or on horseback on a highway who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the overtaking vehicle or equestrian to pass.

Exception

(2a) Subsections (1) and (2) do not apply to a person in charge of a road service vehicle or a road-building machine or apparatus while the machine or apparatus is engaged in the construction of a highway.

Vehicles meeting bicycles

(3) Every person in charge of a vehicle on a highway meeting a person travelling on a bicycle shall allow the cyclist sufficient room on the roadway to pass.

Vehicles or equestrians overtaking others

(4) Every person in charge of a vehicle or on horseback on a highway who is overtaking another vehicle or equestrian shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or equestrian overtaken, and the person overtaken is not required to leave more than one-half of the roadway free.

Bicycles overtaken

(5) Every person on a bicycle or motor assisted bicycle who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the vehicle or equestrian to pass and the vehicle or equestrian overtaking shall turn out to the left so far as may be necessary to avoid a collision.

25. Section 128 of the said Act is repealed and the following substituted therefor:

Driving to left of centre prohibited under certain conditions

128.—(1) No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

(a) when approaching the crest of a grade or upon a curve in the roadway or within 30 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within that distance so as to create a potential hazard in the event another vehicle might approach from the opposite direction; or

(b) when approaching within 30 metres of a level railway crossing.

Exception

(2) Subsection (1) does not apply,

(a) on a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction;

(b) to a road service vehicle where precautions are taken to eliminate the hazard; or

(c) on a highway while it is designated for the use of one-way traffic.

26. Subsection 129 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 17, is amended by striking out "or" at the end of clause (c), by adding "or" at the end of clause (d) and by adding thereto the following clause:

(e) a road service vehicle.

27.—(1) Clause 133 (c) of the said Act is repealed and the following substituted therefor:

(c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles and, notwithstanding section 121, where a highway is so designated and official signs indicating the designation are erected, every driver shall obey the instructions on the official signs.

(2) Section 133 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Where safety is not jeopardized, clauses (1) (b) and (c) do not apply to road service vehicles and clause (1) (c) does not apply to road-building machines or apparatus while engaged in the construction of a highway.

28. Section 135 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Notwithstanding clause (1) (a), a road service vehicle may be operated or driven along the shoulder of the highway if the vehicle remains on its side of the separation.

29. Subsection 135a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 18, is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

(d) the driver of a road service vehicle,if the movement is made in safety.

30.—(1) Subsection 144 (1) of the said Act is amended by striking out "or tricycle" in the second line.

(2) Subsection 144 (2) of the said Act is amended by striking out "or tricycle" in the first and second lines.

31. Section 147 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 33 and 1985, chapter 13, section 13, is further amended by adding thereto the following subsection:

Exception

(2b) Subsection (1) does not apply to a road service vehicle that is parked, standing or stopped safely.

32. The said Act is further amended by adding thereto the following section:

Tow truck services

147a.—(1) No person shall make or convey an offer of services of a tow truck while that person is within 200 metres of,

(a) the scene of an accident or apparent accident; or

(b) a vehicle involved in an accident,

on the King's Highway.

Idem

(2) No person shall park or stop a tow truck on the King's Highway within 200 metres of,

(a) the scene of an accident or apparent accident; or

(b) a vehicle involved in an accident,

if there is a sufficient number of tow trucks already at the scene to deal with all vehicles that apparently require the services of a tow truck.

Idem

(3) Subsections (1) and (2) do not apply to a person who is at the scene of the accident at the request of a police officer, an officer appointed for carrying out the provisions of this Act, a person engaged in highway maintenance or a person involved in the accident.

Offence

(4) Every person who contravenes any provision in this section is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not less than $200 and not more than $1,000; and

(b) for each subsequent offence, to a fine of not less than $400 and not more than $2,000, or to imprisonment for a term of not more than six months, or to both.

Idem

(5) An offence under this section committed five years or longer after a previous conviction for an offence under this section is not a subsequent offence for the purposes of clause (4) (b).

33. Section 151 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 19 and amended by the Statutes of Ontario, 1984, chapter 61, section 6, is repealed and the following substituted therefor:

Definitions

151.—(1) In this section,

"children" means,

(a) persons under the age of eighteen, and

(b) in the case where a school bus is being operated by or under a contract with a school board or other authority in charge of a school for the transportation of children to or from school, includes students of the school;

"developmental handicap" means a condition of mental impairment, present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;

"school" does not include a post-secondary school educational institution;

"school bus" means a bus that,

(a) is painted chrome yellow, and

(b) displays on the front and rear thereof the words "school bus" and on the rear thereof the words "do not pass when signals flashing".

Idem

(2) For the purposes of subsection (3), a motor vehicle shall be deemed to be a bus if it is or has been operated under the authority of a permit for which a bus registration or validation fee was paid in any jurisdiction.

Prohibition

(3) No bus, except a bus that at any time during its current validation period is used to transport children or to transport adults who have developmental handicaps, shall be painted chrome yellow.

Idem

(4) No motor vehicle on a highway, other than a school bus, shall have displayed thereon the words "school bus" or the words "do not pass when signals flashing" or be equipped with a school bus stop arm.

Idem

(5) No person shall drive or operate a motor vehicle on a highway that contravenes subsection (3) or (4).

Duty of driver to use signals

(6) Subject to subsection (9), every school bus driver,

(a) who is about to stop on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental handicaps, shall actuate the overhead red signal-lights on the bus;

(b) as soon as the bus is stopped for a purpose set out in clause (a), shall actuate the school bus stop arm; and

(c) while the bus is stopped for a purpose set out in clause (a) on a highway that does not have a median strip, shall continue to operate the overhead red signal-lights and stop arm until all passengers having to cross the highway have completed the crossing.

Exception to cl. 147 (1) (a)

(7) Clause 147 (1) (a) does not apply to a driver who stops in accordance with subsection (6).

Restriction on use of signals

(8) No person shall actuate the overhead red signal-lights or the stop arm on a school bus on a highway under any circumstances other than those set out in subsection (6).

Idem

(9) No person shall actuate the overhead red signal-lights or the stop arm on a school bus,

(a) at an intersection controlled by an operating traffic control signal system;

(b) at any other location controlled by an operating traffic control signal system at,

(i) a sign or roadway marking indicating where the stop is to be made,

(ii) the area immediately before entering the nearest crosswalk, if there is no sign or marking indicating where the stop is to be made, or

(iii) a point not less than five metres before the nearest traffic control signal, if there is no sign, marking or crosswalk; or

(c) within sixty metres from a location referred to in clause (a) or (b).

Bus loading zone

(10) No person shall stop a school bus on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental handicaps,

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as close as practicable to the right curb or edge of the roadway.

Duty of drivers when school bus stopped

(11) Every driver or street car operator, when meeting on a highway, other than a highway with a median strip, a stopped school bus that has its overhead red signal-lights flashing, shall stop before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing.

Idem

(12) Every driver or street car operator on a highway, when approaching from the rear a stopped school bus that has its overhead red signal-lights flashing, shall stop at least twenty metres before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing.

Designating bus loading zones

(13) A council of a municipality may by by-law designate school bus loading zones, in accordance with the regulations, on highways under its jurisdiction and, where it does so, subsection (6) does not apply to a driver about to stop or stopping in a zone so designated.

When effective

(14) No by-law passed under subsection (13) becomes effective until the highways or portions thereof affected have signs erected in compliance with this Act and the regulations.

Regulations

(15) The Lieutenant Governor in Council may make regulations,

(a) respecting the operation of vehicles used for transporting children or for transporting adults who have developmental handicaps;

(b) prescribing the type, design and colour of vehicles referred to in clause (a) and the markings to be displayed thereon;

(c) requiring the use of any equipment on or in vehicles referred to in clause (a) and prescribing the standards and specifications of such equipment;

(d) prescribing the qualifications of drivers of vehicles referred to in clause (a) and prohibiting the operation thereof by unqualified persons;

(e) requiring the inspection of vehicles referred to in clause (a);

(f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways;

(g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children or for transporting adults who have developmental handicaps;

(h) requiring the retention of prescribed books and records within vehicles and prescribing the information to be contained and the entries to be recorded in the books or records.

Scope of regulations

(16) Any regulation made under subsection (15) may be general or particular in its application.

Penalty

(17) Every person who contravenes subsection (11) or (12) is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not less than $100 and not more than $500; and

(b) for each subsequent offence, to a fine of not less than $250 and not more than $1,000 or to imprisonment for a term of not more than six months, or to both.

Time limit for subsequent offence

(18) An offence referred to in subsection (17) committed more than five years after a previous conviction for either of

the offences referred to in subsection (17) is not a subsequent offence for the purpose of clause (17) (b).

34. Section 155 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Subsection (1) does not apply to a pedestrian walking a bicycle in circumstances where crossing to the left side of the highway would be unsafe.

35. Subsection 158 (1) of the said Act is amended by adding at the end thereof "and prohibiting the use or erection of any sign or type of sign that is not prescribed".

36. Subsection 169 (1) of the said Act is amended by inserting after "Act" in the ninth line "or the regulations" and by adding at the end thereof "upon the inconsistency arising".

37.—(1) Subsection 181 (3) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 12, is amended by inserting after "Act" in the first line "or any municipal by-law regulating or prohibiting parking, standing or stopping".

(2) Subsection 181 (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 63, section 43, is amended by inserting after "Act" in the first line "or any municipal by-law regulating or prohibiting parking, standing or stopping".

38. Section 184 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 61, section 7 and 1985, chapter 13, section 14, is further amended by adding thereto the following subsection:

Report on disabled person parking by-law conviction
R.S.O. 1980, c. 302

(1c) Notwithstanding subsection (1), a judge, provincial judge or justice of the peace who makes a conviction under a municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act* for the improper use of a disabled person parking permit issued under section 17a or the clerk of the court in which the conviction is made shall forthwith certify the conviction to the Registrar setting out the name and address of the person convicted, the number of the disabled person parking permit used in the offence, the name and address of the person or organization in whose name the disabled person parking permit is issued, the date the offence was committed and the provision of the by-law contravened.

39. Section 185 of the said Act is amended by adding thereto the following subsection:

(4) Where a licence consists of a Photo Card and a Licence Card, subsections (2) and (3) do not apply to the Photo Card portion thereof. Exception

40. Section 186 of the said Act is amended by adding thereto the following subsection:

(3) Where a licence consists of a Photo Card and a Licence Card, subsections (1) and (2) do not apply to the Photo Card portion thereof. Exception

41. The said Act is further amended by adding thereto the following section:

190a.—(1) A police officer who finds any person contravening any provision under this Act while in charge of a bicycle may require that person to stop and to provide identification of himself or herself. Cyclist to identify self

(2) Every person who is required to stop, by a police officer acting under subsection (1), shall stop and identify himself or herself to the police officer. Idem

(3) For the purposes of this section, giving one's correct name and address is sufficient identification. Idem

(4) A police officer may arrest without warrant any person who does not comply with subsection (2). Idem

42. The said Act is further amended by adding thereto the following section:

192a.—(1) A police officer or an officer appointed for carrying out the provisions of this Act who discovers a vehicle apparently abandoned on or near a highway or a motor vehicle or trailer without proper number plates may take the vehicle into the custody of the law and may cause it to be taken to and stored in a suitable place. Abandoned or unplated vehicles

(2) All costs and charges for removal, care or storage of a vehicle taken or stored under subsection (1) are a lien upon the vehicle that may be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*. Costs for storage

R.S.O. 1980, c. 261

COMPLEMENTARY AMENDMENTS

43.—(1) Paragraph 119 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 41, section 1, is repealed and the following substituted therefor:

Parking for disabled persons
R.S.O. 1980, c. 198

119. For exempting the owners and drivers of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of vehicles on any highway or part thereof under the jurisdiction of the council.

(a) A by-law passed under this paragraph,

(i) may regulate or prohibit the parking, standing or stopping of vehicles displaying a disabled person parking permit, and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of vehicles on a highway or part thereof under the jurisdiction of the council,

(ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and

(iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(2) Paragraph 150 of the said section 210 is repealed and the following substituted therefor:

Parking facilities for disabled persons

R.S.O. 1980, c. 198

150. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder and for prohibiting the use of such spaces by other vehicles.

(a) A by-law passed under this paragraph,

(i) may specify the dimensions of parking spaces to be provided for the sole use of vehicles displaying a disabled person parking permit, and the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number

of parking spaces in the parking lot or parking facility to which the public has access,

(ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and

(iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

Commencement

44.—(1) This Act, except sections 3, 9, 18, 22, 32, 33, 37, 38, 41 and 43, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 9, 18, 22, 32, 33, 37, 38, 41 and 43 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

45. The short title of this Act is the *Highway Traffic Amendment Act, 1989*.

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Government
Publications

Bill 220 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 220

An Act respecting Victims of Crime

Mr. Jackson

1st Reading February 27th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

The Bill applies to victims of crime and includes as victims specified relatives of victims of crime where the commission of an offence results in the death of the victim.

The Bill provides that the following principles should apply to the treatment of victims of crime:

1. They should be treated with courtesy, compassion and respect for their personal dignity and privacy.

2. They should receive social services, health care and medical treatment, counselling and legal assistance responsive to their needs.

3. They should receive information from investigating police officers concerning the investigation and the victim's protection.

4. They should receive information from prosecuting Crown attorneys concerning any proceedings.

5. They should have an opportunity to make representations to the Crown attorney concerning interim release and sentencing.

6. They should receive notice of impending release from custody of a convicted person.

7. A victim of a sexual assault, should be permitted to be interviewed by a police officer of the same sex.

The Bill also affords the following protections to victims of crime when they are plaintiffs in civil actions against their assailants:

1. No order for security for costs or for disallowance of interest can be made against them.

2. The victim may be compensated for emotional distress.

3. A judge is not to consider the sentence imposed on the person convicted in awarding damages to the victim. The sentence is to be considered, however, before making an award for punitive damages.

4. Proceeds paid to a person convicted of a crime for the sale of the person's recollections concerning the crime may, by order of a judge, be forfeited.

The *Wages Act* is amended to allow garnishment of money paid to a person being held in lawful custody.

Bill 220 1989

An Act respecting Victims of Crime

Preamble

Whereas criminal conduct is a violation of the rights and security of the people against whom the crimes are committed; and whereas the victims of criminal conduct require compassionate and equitable treatment, unrestricted access to necessary services and full compensation;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definition
R.S.C. 1985, c. C-46
R.S.O. 1980, c. 400

1. In this Act, "victim" means a person who, as a result of the commission of an offence by another against the *Criminal Code* (Canada) or under the *Provincial Offences Act*, suffers emotional or physical harm or loss of, or damage to, property and, if the commission of the offence results in the death of the person, a spouse, guardian, parent, sibling, child or dependant of the person.

Application of Act

2.—(1) This Act applies only to matters falling under the classes of subjects enumerated in section 92 of the *Constitution Act, 1867*.

Interpretation

(2) This Act shall not be interpreted so as to prejudicially affect a right or freedom guaranteed by the *Canadian Charter of Rights and Freedoms*.

Statement of principle

3. The following principles should apply to the treatment of victims of crime:

1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy.

2. Victims should receive social services, health care and medical treatment, counselling and legal assistance responsive to their needs.

3. Victims should be informed by the investigating police officer of,

i. the services and remedies available to victims of crime,

R.S.O. 1980, c. 82

ii. the provisions of this Act and of the *Compensation for Victims of Crime Act* that might assist them,

iii. the progress of investigations relating to the offence, and

iv. the protection available to victims to prevent unlawful intimidation.

4. Victims should be informed by the prosecuting Crown attorney of,

i. the charges laid related to the offence or the reasons why charges are not laid,

ii. their role in the prosecution of the offence,

iii. court procedures related to the prosecution of the offence,

iv. the dates and places of all proceedings related to the prosecution of the offence, and

v. the outcome of all proceedings, including any proceedings on appeal.

5. Victims should be given an opportunity to make representations to the prosecuting Crown attorney respecting the interim release and, in the event of conviction, the sentencing of an accused.

R.S.C. 1985, c. C-46

6. Victims of an offence against the person under Part VIII of the *Criminal Code* (Canada) should be notified of any impending release from custody of the convicted person, including any release on parole, on temporary pass or in accordance with a program of temporary absence, or any escape of the person from lawful custody.

7. Victims of sexual assault should be permitted, during the investigation of the offence, to be interviewed only by police officers and officials of the same gender as the victim.

Security for costs

4.—(1) Despite any rule or statutory provision respecting security for costs, a victim shall not be required to provide

security for costs in an action brought by the victim against a person convicted of committing the offence.

Court may not disallow interest
1984, c. 11

(2) A judge may not disallow interest under clause 140 (a) of the *Courts of Justice Act, 1984* in an action brought by a victim against a person convicted of committing the offence.

Proof of conviction

5. In an action brought by a victim against a person convicted of committing the offence, proof of conviction shall be taken as conclusive evidence that the offence was committed by the person convicted and that the facts stated in the information or indictment upon which the conviction is entered are true if,

(a) the time for an appeal has expired; or

(b) an appeal was taken, it was dismissed and no further appeal is available.

Liability where offence against person
R.S.C. 1985, c. C-46

6.—(1) A person convicted of an offence against the person under Part VIII of the *Criminal Code* (Canada) is liable in damages to every victim of the offence for severe emotional distress, and bodily harm resulting from the distress, arising from the commission of the offence.

Presumption for victim of assault

(2) The following victims shall be presumed to have suffered severe emotional distress:

1. A victim of an assault if the victim is or was a spouse of the assailant.

2. A victim of a sexual assault.

3. A victim of an attempted sexual assault.

Consideration in awarding damages

7.—(1) Subject to subsection (2), a judge awarding damages in an action brought by a victim against a person convicted of committing the offence shall not consider the sentence, if any, imposed on the person convicted.

Idem

(2) The judge shall take into consideration the sentence, if any, imposed upon the person convicted before making an award for punitive damages.

Forfeiture of profit

8. If a person convicted of an offence derives any profit from the sale of his or her recollections concerning the offence, or from interviews or public appearances during which the person's recollection of the offence is discussed, the Attorney General may apply to a judge of the Supreme or District Court for an order that the proceeds derived by the

person be forfeited to Her Majesty in right of Ontario and the judge may so order.

9. Subsection 7 (1) of the *Wages Act*, being chapter 526 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 68, section 1, is repealed and the following substituted therefor:

Net wages subject to garnishment

(1) For the purposes of this section, "wages" does not include an amount that an employer is required by law to deduct from wages, but does include any wage, payment, honorarium or fee that a person receives while confined in lawful custody.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *Crime Victims Act, 1989*.

Publications

Bill 221 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 221

An Act to regulate the Sale of Tobacco

Mr. Allen

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1st Reading February 28th, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The proposed Bill prohibits the selling of tobacco without a licence issued under the Bill and prohibits the sale of tobacco to minors. The Bill repeals the *Minors' Protection Act*.

Bill 221 1989

An Act to regulate the Sale of Tobacco

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"Minister" means the Minister of Consumer and Commercial Relations;

"minor" means a person under the age of eighteen;

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act;

"tobacco" means tobacco in any form in which it is used or consumed, and includes snuff.

Licence to sell

2. No person shall sell tobacco at retail unless the person has applied for, and the Minister has issued to the person, a licence to sell tobacco.

Licence to sell, vending machine

3. No person shall maintain a tobacco vending machine unless the person has applied for, and the Minister has issued to the person, a licence to sell tobacco.

Prohibition, sale to minor

4.—(1) No person shall either directly or indirectly sell or give or furnish tobacco to a minor.

Idem

(2) No person shall sell or permit the sale of tobacco from a vending machine maintained by the person to a minor.

Power of Minister

5. The Minister may, after giving a person an opportunity to be heard, refuse to issue a licence to the person if the person or an employee of the person has contravened subsection 4 (1) or (2).

Offence

6.—(1) A person who contravenes section 2 or 3 is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

Idem

(2) A person who contravenes subsection 4 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Cancellation of licence

7. If a person is convicted of contravening subsection 4 (1) or (2), his or her licence shall be deemed to be cancelled at the time the conviction is entered.

Regulations

8. The Lieutenant Governor in Council may make regulations,

(a) prescribing the fees payable for licences;

(b) prescribing the information to be included in an application for a licence;

(c) prescribing conditions to be met for the issuance and maintenance of a licence.

Repeal

9. The *Minors' Protection Act*, being chapter 293 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

10. This Act comes into force on the 180th day following the day it receives Royal Assent.

Short title

11. The short title of this Act is the *Tobacco Sale Regulation Act, 1989*.

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Government
Publications

Bill 222 **Private Member's Bill**

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 222

An Act to amend the Highway Traffic Act

Mr. Cooke
(Windsor-Riverside)

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1st Reading March 1st, 1989
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is to permit emergency vehicles after first coming to a stop at a stop sign or a red traffic light to proceed with caution and to require other drivers to yield the right of way to emergency vehicles unless it is unsafe to do so.

Bill 222 1989

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 116 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 11, is amended by adding thereto the following subsections:

(3) Despite subsection (1), every driver or street car operator shall yield the right of way to an emergency vehicle approaching the intersection or stopped at the intersection before proceeding. Emergency vehicles

(4) In this section, "emergency vehicle" means "emergency vehicle" as defined in clause 124 (1) (b). Definition

2. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

(18a) Every driver other than a driver of an emergency vehicle shall yield the right of way to an emergency vehicle unless it is not safe to do so. Idem

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Highway Traffic Amendment Act, 1989*. Short title

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Publication

Bill 223

1ST SESSION, 34TH LEGISLATURE, ONTARIO 38 ELIZABETH II, 1989

Bill 223

(Chapter 21
Statutes of Ontario, 1989)

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1989

The Hon. R. Nixon
Treasurer of Ontario and Minister of Economics

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1st Reading	March 2nd, 1989
2nd Reading	March 2nd, 1989
3rd Reading	March 2nd, 1989
Royal Assent	March 2nd, 1989

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Bill 223 1989

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1989

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable Lincoln Alexander, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1989; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

Supply granted for 1988-89

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $34,103,741,677 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1988, to the 31st day of March, 1989, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1989, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Supply Act, 1989*.

SCHEDULE

	ESTIMATES	SUPPLEMENTARY ESTIMATES	TOTAL
	$	$	$
Agriculture and Food	540,152,500		540,152,500
Assembly, Office of the	79,674,100	2,728,900	82,403,000
Attorney General	395,549,300	1,477,400	397,026,700
Cabinet Office	8,985,600		8,985,600
Chief Election Officer, Office of the	618,600		618,600
Citizenship	45,444,800		45,444,800
Colleges and Universities	2,566,657,100		2,566,657,100
Community and Social Services	4,263,842,200		4,263,842,200
Consumer and Commercial Relations	147,333,900		147,333,900
Correctional Services	394,268,400		394,268,400
Culture and Communications	251,909,500	1,096,700	253,006,200
Disabled Persons, Office for	7,638,600		7,638,600
Education	4,299,641,300	300,000,000	4,599,641,300
Energy	44,023,900		44,023,900
Environment	442,447,400	7,000,000	449,447,400
Financial Institutions	32,618,000	3,258,100	35,876,100
Government Services	637,082,700	10,000	637,092,700
Health	12,660,423,100		12,660,423,100
Housing	440,734,500	2,592,000	443,326,500
Industry, Trade and Technology	185,860,100	4,098,000	189,958,100
Intergovernmental Affairs	8,567,900		8,567,900
Labour	120,054,300		120,054,300
Lieutenant Governor, Office of the	529,400		529,400
Management Board	243,738,900		243,738,900
Municipal Affairs	976,915,100		976,915,100
Native Affairs, Office Responsible for	4,884,100		4,884,100
Natural Resources	542,528,800	2,000,000	544,528,800
Northern Development and Mines	303,233,100		303,233,100
Ombudsman, Office of the	7,122,700		7,122,700
Premier, Office of the	2,115,600		2,115,600
Provincial Auditor, Office of the	6,923,000		6,923,000
Revenue	810,283,300		810,283,300
Senior Citizens Affairs, Office Responsible for	9,283,600		9,283,600
Skills Development	406,299,500		406,299,500
Solicitor General	427,888,400		427,888,400
Tourism and Recreation	191,478,700		191,478,700
Transportation	2,059,200,077	13,500,000	2,072,700,077
Treasury and Economics	182,498,900		182,498,900
Women's Issues, Office Responsible for	17,529,600		17,529,600
Total	33,765,980,577	337,761,100	34,103,741,677


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